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No. 88

## House of Representatives

The House met at 10 a.m.

The Reverend Frederick J. Huscher, Chaplain, Riverside County Sheriff's Department, Riverside, California, offered the following prayer:

O gracious and loving Lord, quiet our restless mind so that our hearts may speak honestly in prayer and our spirits may listen carefully to Your counsel and instruction. As sovereign Lord, You have placed into our simple hands the overwhelming responsibility to mold the course of this great Nation. Lest pride cause us to forget that we are but Your appointed servants, cause us to strive shoulder to shoulder to maintain the noble heritage that we are a free Nation under God by Your divine will and grace. May Your Spirit direct our hearts and mind to seek only what is right and pure for the people of this land, to make decisions which protect our freedoms and promote the well-being of Your people. O God, we honor You as the Lord of this Nation. May our ministry glorify Your name and be a blessing to this land. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALDEN of Oregon. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALDEN of Oregon. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 348, nays 59, answered “present” 1, not voting 26, as follows:

[Roll No. 267]

YEAS—348

Abercrombie  
Ackerman  
Akin  
Andrews  
Armey  
Baca  
Bachus  
Baker  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett  
Bartlett  
Barton  
Bass  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Biggert  
Bilirakis  
Bishop  
Blagojevich  
Blumenauer  
Blunt  
Boehkert  
Boehner  
Bonilla  
Bonior  
Bono  
Boozman  
Boswell  
Boucher  
Boyd  
Brady (TX)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Capps  
Cardin  
Castle  
Chabot  
Chambliss  
Clayton

Clement  
Coble  
Collins  
Combest  
Cooksey  
Cox  
Cramer  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (CA)  
Davis (FL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeGette  
Delahunt  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dingell  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emerson  
Engel  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Frank  
Frelinghuysen  
Frost  
Gallegly  
Ganske

Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Heger  
Hill  
Hilleary  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inslee  
Isakson  
Issa  
Istook  
Jackson (IL)  
Jefferson  
Jenkins  
John  
Johnson (CT)

Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kirk  
Klecza  
Knollenberg  
Kolbe  
LaHood  
Lampson  
Langevin  
Lantos  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Lynch  
Maloney (NY)  
Manzullo  
Markey  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
Meehan  
Meeks (NY)  
Menendez  
Mica  
Millender  
McDonald  
Miller, Dan  
Miller, Gary

Miller, Jeff  
Mink  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Norwood  
Ortiz  
Osborne  
Ose  
Otter  
Pallone  
Pascarell  
Paul  
Payne  
Pelosi  
Pence  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sanders  
Sawyer  
Saxton  
Schiff  
Schrock  
Scott  
Sensenbrenner

Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Snyder  
Solis  
Souder  
Spratt  
Stearns  
Stenholm  
Stump  
Sullivan  
Sununu  
Sweeney  
Tanner  
Tauscher  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Tierney  
Toomey  
Turner  
Upton  
Velazquez  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watson (CA)  
Watt (NC)  
Watts (OK)  
Weiner  
Weldon (FL)  
Weldon (PA)  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Young (FL)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H4071

## NAYS—59

Aderholt	Green (TX)	Price (NC)
Allen	Hastings (FL)	Ramstad
Baird	Hefley	Sabo
Baldwin	Hilliard	Sanchez
Berry	Jackson-Lee	Sandlin
Borski	(TX)	Schaffer
Brady (PA)	Johnson, E. B.	Schakowsky
Brown (FL)	Kennedy (MN)	Slaughter
Brown (OH)	Kucinich	Strickland
Capuano	Larsen (WA)	Stupak
Carson (IN)	LoBiondo	Taylor (MS)
Carson (OK)	McDermott	Thompson (CA)
Clyburn	McGovern	Thompson (MS)
Condit	McNulty	Udall (CO)
Costello	Miller, George	Udall (NM)
Crane	Moore	Visclosky
Davis (IL)	Obey	Waters
DeFazio	Oliver	Weller
English	Pastor	Wu
Filner	Peterson (MN)	Wynn

## ANSWERED "PRESENT"—1

Tancredo

## NOT VOTING—26

Clay	Maloney (CT)	Roukema
Conyers	Meek (FL)	Smith (WA)
Coyne	Northrup	Stark
Dicks	Nussle	Tauzin
Ehrlich	Oberstar	Towns
Fattah	Owens	Trafficant
Hinchey	Oxley	Waxman
Israel	Riley	Young (AK)
LaFalce	Rohrabacher	

□ 1029

So the Journal was approved.

The result of the vote was announced as above recorded.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oklahoma (Mr. WATTS) come forward and lead the House in the Pledge of Allegiance.

Mr. WATTS of Oklahoma led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 2047. An act to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1041. An act to establish a program for an information clearinghouse to increase public access to defibrillation in schools.

S. 1646. An act to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

S. 1754. An act to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2003 through 2008, and for other purposes.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 10 1-minutes on each side after the 1-

minute on the guest chaplain by the gentleman from California (Mr. CALVERT).

INTRODUCTION OF CHAPLAIN  
FRED HUSCHER

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, I am pleased and honored to welcome Chaplain Fred Huscher as our guest chaplain in the House of Representatives today. Chaplain Huscher serves as the Riverside County Sheriff's Department chaplain and is visiting Washington, D.C. as a member of the FBI Chaplains Steering Committee.

Chaplain Huscher served honorably in the United States Air Force and then graduated with a degree of theology from Concordia Seminary in Springfield, Illinois, in 1964. He moved on to work as pastor in Oregon and Washington and obtained his Doctor of Ministry degree from Concordia Seminary in Fort Wayne, Indiana. He settled in California in 1973.

After serving as vice president of the Concordia University in Irvine, California, Chaplain Huscher was hired in 1997 to be department chaplain and peer support coordinator for over 3,000 personnel of the Riverside County Sheriff's Department, located in my congressional district. There he contributed greatly to the well-being and overall morale of the sheriff's department.

Some of his accomplishments include acting as a state chaplain for the Peace Officers Research Association of California, serving on a panel for the California Department of Justice Commission on Peace Officer Standards and Training, and serving as the FBI chaplain for Los Angeles Field Office and the Riverside Resident Agency.

Chaplain Huscher's life has been marked by continual service and dedication to the word of God, his community, and his country. It is my distinct pleasure to welcome him to Washington today and thank him on behalf of the United States House of Representatives for our opening prayer.

## MOTION TO ADJOURN

Mr. McNULTY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from New York (Mr. McNULTY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mr. McNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 70, noes 332, not voting 32, as follows:

[Roll No. 268]

## AYES—70

Ackerman	Honda	Obey
Allen	Jefferson	Oliver
Baird	Johnson, E. B.	Osborne
Baldwin	Jones (OH)	Otter
Bentsen	Kaptur	Owens
Berry	Kennedy (RI)	Pelosi
Bishop	Kolbe	Pomeroy
Bonior	Lampson	Rangel
Brown (FL)	Langevin	Sanders
Brown (OH)	Lantos	Sandlin
Capito	Larsen (WA)	Schiff
Carson (OK)	Lewis (GA)	Slaughter
Clyburn	Lynch	Solis
Conyers	Markey	Stark
Cubin	McCarthy (NY)	Stupak
DeFazio	McDermott	Thompson (CA)
Delahunt	McGovern	Tierney
Deutsch	McNulty	Towns
Dicks	Meehan	Velazquez
Dingell	Meeks (NY)	Waters
Doggett	Miller, George	Wexler
Etheridge	Mink	Woolsey
Evans	Moran (VA)	
Filner	Neal	

## NOES—332

Abercrombie	Davis (FL)	Holden
Aderholt	Davis (IL)	Holt
Akin	Davis, Jo Ann	Horn
Andrews	Davis, Tom	Hostettler
Armey	Deal	Houghton
Baca	DeGette	Hoyer
Bachus	DeLauro	Hulshof
Baker	DeLay	Inslée
Baldacci	DeMint	Isakson
Ballenger	Diaz-Balart	Issa
Barr	Dooley	Istook
Barrett	Doolittle	Jackson (IL)
Bartlett	Doyle	Jackson-Lee
Barton	Dreier	(TX)
Bass	Duncan	Jenkins
Becerra	Dunn	John
Bereuter	Edwards	Johnson (CT)
Berkley	Ehlers	Johnson (IL)
Berman	Emerson	Johnson, Sam
Biggert	Engel	Jones (NC)
Bilirakis	English	Kelly
Blagojevich	Eshoo	Kennedy (MN)
Blumenauer	Everett	Kerns
Blunt	Farr	Kildee
Boehlert	Ferguson	Kilpatrick
Boehner	Flake	Kind (WI)
Bonilla	Foley	King (NY)
Bono	Forbes	Kingston
Boozman	Ford	Kirk
Borski	Fossella	Kleczka
Boswell	Frank	Knollenberg
Boucher	Frelinghuysen	Kucinich
Boyd	Frost	LaHood
Brady (PA)	Galleghy	Larson (CT)
Brady (TX)	Ganske	Latham
Brown (SC)	Gekas	LaTourette
Bryant	Gibbons	Leach
Burr	Gilchrest	Lee
Burton	Gillmor	Levin
Buyer	Gilman	Lewis (CA)
Callahan	Gonzalez	Lewis (KY)
Calvert	Goode	Linder
Camp	Goodlatte	Lipinski
Cannon	Gordon	LoBiondo
Cantor	Goss	Lofgren
Capps	Graham	Lowey
Capuano	Granger	Lucas (KY)
Cardin	Graves	Lucas (OK)
Carson (IN)	Green (TX)	Luther
Castle	Green (WI)	Maloney (CT)
Chabot	Greenwood	Maloney (NY)
Chambliss	Grucci	Manzullo
Clayton	Gutierrez	Mascara
Clement	Gutknecht	Matheson
Coble	Hall (OH)	Matsui
Collins	Hall (TX)	McCarthy (MO)
Combest	Hansen	McCollum
Condit	Harman	McCrery
Cooksey	Hart	McHugh
Costello	Hastings (WA)	McInnis
Cox	Hayes	McIntyre
Coyne	Hayworth	McKeon
Cramer	Hefley	McKinney
Crane	Herger	Menendez
Crenshaw	Hill	Mica
Crowley	Hilleary	Millender-
Culberson	Hilliard	McDonald
Cummings	Hinojosa	Miller, Dan
Cunningham	Hobson	Miller, Gary
Davis (CA)	Hoeffel	Miller, Jeff

Mollohan	Rogers (MI)	Stump
Moran (KS)	Rohrabacher	Sullivan
Morella	Ros-Lehtinen	Sununu
Murtha	Ross	Sweeney
Myrick	Rothman	Tancred
Nadler	Roybal-Allard	Tanner
Napolitano	Royce	Tauscher
Nethercutt	Ryan (WI)	Taylor (MS)
Ney	Ryun (KS)	Taylor (NC)
Norwood	Sabo	Terry
Nussle	Sanchez	Thomas
Ortiz	Sawyer	Thompson (MS)
Ose	Saxton	Thornberry
Oxley	Schaffer	Thune
Pallone	Schakowsky	Thurman
Pascarell	Schrock	Tiahrt
Pastor	Scott	Tiberi
Paul	Sensenbrenner	Toomey
Payne	Serrano	Turner
Pence	Sessions	Udall (CO)
Peterson (MN)	Shadegg	Udall (NM)
Peterson (PA)	Shaw	Upton
Petri	Shays	Visclosky
Phelps	Sherman	Walden
Pickering	Sherwood	Walsh
Pitts	Shinkus	Wamp
Pombo	Shows	Watson (CA)
Portman	Shuster	Watt (NC)
Price (NC)	Simmons	Watts (OK)
Pryce (OH)	Simpson	Waxman
Putnam	Skeen	Weiner
Quinn	Skelton	Weldon (FL)
Radanovich	Smith (MI)	Weldon (PA)
Rahall	Smith (NJ)	Weller
Ramstad	Smith (TX)	Whitfield
Regula	Smith (WA)	Wicker
Rehberg	Snyder	Wilson (NM)
Reynolds	Souder	Wilson (SC)
Rivers	Spratt	Wolf
Rodriguez	Stearns	Young (FL)
Roemer	Stenholm	
Rogers (KY)	Strickland	

## NOT VOTING—32

Barcia	Hyde	Riley
Clay	Israel	Roukema
Ehrlich	Kanjorski	Rush
Fattah	Keller	Tauzin
Fletcher	LaFalce	Trafigant
Gephardt	Meek (FL)	Vitter
Hastings (FL)	Moore	Watkins (OK)
Hinchey	Northup	Wu
Hoekstra	Oberstar	Wynn
Hooley	Platts	Young (AK)
Hunter	Reyes	

□ 1054

Mr. HINOJOSA, Ms. McCOLLUM and Mr. OXLEY changed their vote from "aye" to "no".

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. ISRAEL. Mr. Speaker, I was absent from votes this morning so that I could be in New York to be with my children as they go away for the summer. I missed two votes. Were I here I would have voted as follows:

Rollcall Vote 267, on Approving the Journal: "yea"; and

Rollcall Vote 268, that the House Adjourn: "no."

## SUPPORTING THE PLEDGE OF ALLEGIANCE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, in the dark hours after September 11 there was one thing that brought a Nation together, young and old, rich and poor, black and white, Hispanics, and that was the Pledge of Allegiance to the flag of this great Nation. As men and women were toiling to rescue victims in Wash-

ington, Pennsylvania and New York, our hearts and minds turned to God to ask for divine guidance as we struggled with this difficult time.

In my morning run this morning I visited the Jefferson, Lincoln and Roosevelt memorials to bear witness to the inscriptions of their most memorable speeches to this Nation, each citing God's divine guidance in creating the Nation.

Now, judges of the Ninth Circuit of the left coast of the United States have decided that this Pledge of Allegiance is unconstitutional. The ACLU may be applauding a ruling, but their victory will be short-lived. One Nation under God, indivisible, with liberty and justice for all; behind me "In God We Trust," in a Nation God guides us in a country where free people worship.

I reject the court's ruling. I urge Congress to immediately undertake a constitutional amendment, and I salute every man and woman in uniform who serves this Nation being guided by God's love and inspiration.

## RETURN LUDWIG KOONS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, again I rise to talk about international child abduction and the case of Ludwig Koons who is being kept illegally in Rome, Italy. The injustice that is being done to this family is outrageous and an example of what thousands of American parents and children face each day.

Ludwig Koons was born in New York and was abducted from his family residence to Rome by his mother, Ilona Staller. Mr. Koons was awarded custody in the United States, but the Italian courts have refused to accept any American jurisdiction. The father has been deemed the fit parent by the courts and by U.S. and by Italian psychologists who have stated that Ludwig is in grave danger and must be returned to his father. Yet he remains captive in Italy, being held by the Italian government and by his mother who is a porn star who lives in a pornographic compound.

Mr. Speaker, every day Members of this body and this administration speak about family values. Family values. I can think of no better way to demonstrate our commitment to family values than to return Ludwig Koons to his father now. We must bring our children home.

## AMERICA IS ONE NATION UNDER GOD

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, one Nation under God. These four solemn words form the very backbone of our

great democracy. In one short breath these patriotic words in the Pledge of Allegiance from which they are proudly spoken have guided the American experiment in democracy for generations.

Yesterday, through a gross example of misguided judicial activism, two Federal judges stripped these words from the American vocabulary. It is bizarre decisions like this that have given the Ninth Circuit the dubious distinction of being the most overturned court in the Nation. In one year alone, 26 of the Ninth Circuit's 27 rulings were thrown out.

This decision further brings the light the desperate need for the other body to quick blocking President Bush's judicial nominees and supply our courts with qualified judges that will interpret, not rewrite, the Constitution. I hope the Senate is listening.

Mr. Speaker, I do pledge allegiance to the flag; and I am proud to say that, despite the beliefs of the Ninth Circuit, this is still one Nation under God.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members to not urge action by the other body.

□ 1100

## INSURANCE PROTECTION ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, my silence today reflects the fact that the Republicans gagged me by presenting to this House an Insurance Protection Act that takes away the rights of my mother and your mother and your father to be able to have a real guaranteed prescription drug benefit through Medicare that initially was signed by the President of the United States, Lyndon Baines Johnson, in 1965. I am gagged today, but I will not remain silent because I live in America; and I will fight this fight to get a real Medicare drug benefit for the American people. We will fight and we will win.

## HONORING BAKER PRICE FALLS

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, I want to honor a truly amazing young man from my district in North Carolina. Baker Price Falls spent his life serving others and serving the Lord. He would have turned 26 today, but sadly he passed away this year from leukemia. He spent his life doing missions work. Whether he was working in the inner city of Philadelphia or D.C. or doing

missions work over in Mexico or Alaska, he desired to be a servant for the Lord. As a member of the Harley Davidson Owners group in Gastonia, he spent that opportunity as well in service to the Lord. Baker was attending the University of Nations in Kona, Hawaii, where he was training for missions work in Africa, and in order to attend school he sold his most prized possession, which was his Harley.

Unfortunately, before he left for Africa, he was diagnosed with leukemia. Even in sickness he was a light and an inspiration to all who knew him and came around him during that time. He was always smiling and always faithful, and he was a witness of God's love even in very difficult circumstances. A very special person, we will always remember him.

#### PROTECTING AIR QUALITY

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I am proud to inform colleagues that North Carolina has become the first southern State to impose tough new pollution standards on aging coal-fired power plants.

This bipartisan legislation is an initiative of Governor Mike Easley, with the collaboration of industry and of environmental and public health advocates. It requires plants to reduce their sulfur dioxide and nitrogen oxide emissions by 74 and 78 percent, respectively. These standards will improve the quality of life for North Carolinians, and they will save lives by reducing the incidence and severity of respiratory illness.

Ironically, as North Carolina takes steps to improve air quality, the Bush administration has proposed a major step backward, actually weakening the Clean Air Act. The EPA's proposed loosening of "new source review" regulations would allow thousands of the country's biggest polluters to avoid installing pollution-control equipment as they update and modernize their plants. So even though North Carolina will be doing its part to reduce pollution that causes ozone and acid rain, our State will continue to be stricken by pollution from other States.

North Carolina has taken a significant step, Mr. Speaker. I am hopeful that this will stiffen EPA's spine, to give all Americans the protection they need.

#### THE CALIFORNIA JUDICIARY

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, it is no surprise that yesterday the Ninth Circuit ruled in complete and total disregard for the wishes of the people of California. I heard earlier speakers address

the House and talk of the vacancies, and there are five on the Ninth Circuit, specifically because of the inaction of the Senate; and I would like to associate myself with those who have called for the Senate to take appropriate action.

But more importantly here today as a Californian, I want to make it very clear that when we are called the "left coast," they are only speaking about our courts; they are only speaking about the insane actions that often come from our judiciary. They are not speaking about the people of California up and down the State who embrace America's core values, including one Nation under God, indivisible.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would again remind all Members that it is not appropriate during debate to urge action by the other body.

#### OUTRAGE OVER PRESCRIPTION DRUG RULE

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, we are one Nation under God, but God please help this House of Representatives. For the outrageous procedure that the Committee on Rules did this morning, we need God's blessing. For years and years seniors in our country have needed a prescription drug benefit, and yet early this morning Medicare was styled as a Soviet-style health care plan in the Committee on Rules, Medicare that was passed and had provided health care for seniors for over 35 years called Soviet care.

Well, the Soviet concern is what the procedure is today in the House of Representatives, not allowing an option except on the Republican prescription drug bill that is so filled with holes, it leaks so bad, no senior will be able to get any prescription drugs. They will not have these lifesaving pharmaceuticals. Now they are not turning on their electricity, they are taking half prescriptions, and yet the Republicans today are giving them a sieve to be able to sift through.

#### SHOCKED AND APPALLED BY NINTH CIRCUIT'S DECISION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, like most Americans I believe in this country, I believe in God, and I believe in the power and importance of allegiance to our flag. As such, like millions of Americans, I was shocked and appalled by the Ninth Circuit's pledge decision.

Mr. Speaker, we open this House in prayer to God. The walls of this temple of democracy bear His name, but it is unconstitutional for our children to name God as they acknowledge their fealty to that very same Nation? Sadly, Mr. Speaker, this decision is part of a 35-year effort by radical secularists who would twist the freedom of religion into a freedom from religion.

We must reject this course of judiciary decisions. I pledge myself to fight every decision by the judiciary that seeks to drive expressions of faith, the Ten Commandments and voluntary prayer from schools, out of every corner of American life, so help me God.

#### MEDICARE WITHERING ON THE VINE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the Republican candidate for President several years ago proudly voted against Medicare. The former Speaker, Mr. Gingrich, said that he hoped that Medicare would wither on the vine. Many of us wondered what he really meant.

Today, in the Committee on Rules, we found out the truth. A gentleman from Georgia on the Committee on Rules said that there are two proposals before us today, the Republican proposal and a Soviet-style program. When pressed, he said we all know Medicare is a Soviet-style program.

There is where we are. The Republican plan is a plan to privatize Medicare, first by doing the drug benefit and then extending it into the rest. It is a Trojan horse designed to get rid of Medicare, and everybody who votes for that bill today will be setting that in motion.

My mother, my colleagues' mothers, their grandfathers, their fathers, they do not want Medicare to wither on the vine; but this House is prepared to prevent us from giving even an alternative to the American people. That is what Soviets do.

#### RECOGNIZING GREATER MIAMI JEWISH FEDERATION AND MICHAEL-ANN RUSSEL JEWISH COMMUNITY CENTER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the Greater Miami Jewish Federation and the Michael-Ann Russel Jewish Community Center to commend them for their efforts on the Interfaith Solidarity with Israel rally which recently took place in my home district of Miami.

I want to especially thank Rachel Sapoznik, international division chairwoman from the Greater Miami Jewish Federation, Fanny Hanono and Avy

Weberman from the Michael-Ann Russell Jewish Community Center for their tireless efforts in making this rally a giant success. The event included a variety of speakers from different religious denominations, parochial schools, youth groups and community organizations.

The rally provided an opportunity for folks to voice their support for the State of Israel and gave them specific information on the different ways that they can help both of our countries fight the international war on terrorism.

I want to especially thank those organizers of the Interfaith Solidarity with Israel rally for uniting our community in its support for this embattled country.

#### AMERICA'S SENIORS WANT GUARANTEED ACCESS TO MEDICINES

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, left to the Republican sham prescription drug bill, our parents, including individuals with disabilities, will find themselves at the mercy of private HMOs having to search for a plan. America's seniors want guaranteed access to the medicines their doctors prescribe at prices they can afford, and they depend on that guarantee for help and for life.

The only bill on the floor today guarantees no prescription drug benefit. The plan the Republicans are trying to force on this country does nothing to curb soaring drug prices, not enough to restore provider payments and does everything to benefit private insurance companies.

Our plan, the Dingell bill, honors our responsibilities to this Nation's seniors, gives them coverage for any drug their doctor prescribes, and guarantees that beneficiaries always have coverage, with lower monthly premiums and a lower out-of-pocket maximum. Our plan beats theirs any day and in any way. That is why we are being denied a chance to offer it.

That is not fair to us, their colleagues, and it disrespects those who sent us here; but it is most unfair to the seniors and their families who need real help with medication now.

#### ENERGY INDEPENDENCE THROUGH FUEL CELLS

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise this morning to highlight the promise and the potential of fuel cells in hydrogen to help us gain greater energy independence in a way that is safe, clean and renewable.

Often called minipower plants, fuel cells could hold the key to energy independence for America. In an article en-

titled "Squeaky Clean," the magazine *The Economist* referred to fuel cells as the next big thing, and the most promising fuel cells operate on hydrogen, which the magazine *Physics Today* referred to as the fuel of the future.

We know their potential. Zero emissions. Water and heat are the only by-products, and when both heat and electricity are used, fuel cells can obtain more than 80 percent efficiency.

Researchers at our national science labs, corporations, universities and small businesses are working hard to help us realize the potential of fuel cells.

America has the ingenuity and the expertise to meet our future energy demands, and fuel cells can help us to do so in an environmentally responsible way that sets a standard for the world.

#### WOMEN AND PRESCRIPTION DRUGS

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, women in this country need a Medicare drug benefit now. In the State of California, 56 percent of Medicare recipients are women. These elderly women have on the average spent about 10 percent of the cost for prescription drugs there, but this year alone their costs went up about 20 percent; and for people from my district particularly, this is a very, very extreme hardship.

Most are on fixed incomes and cannot afford those costs, and they believe the plan that is being proposed by the Republicans today will actually make their lives worse. I know that because their plan will help to benefit HMOs and insurance companies and it is a farce. They are saying that our current drug benefit program is a Soviet-style form of government. That cannot be farther from the truth.

When I go into my senior citizen centers, the first thing people ask me is, HILDA SOLIS, you are my representative, why is there not a better benefit program so I can pay for my treatment that I need to control my diabetes, to get my insulin, to pay for the things that I need to survive?

Let us do the right thing today. Let us vote for a Democratic substitute that is fair for all people.

#### ASTONISHMENT AND OUTRAGE AT RULING OF NINTH CIRCUIT COURT OF APPEALS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to express my astonishment and outrage at the ruling of the Ninth Circuit Court of Appeals, which declared the Pledge of Allegiance to be unconstitutional. Mr. Speaker, what could this court be thinking? Under their reasoning, our money would be uncon-

stitutional, the Presidential oath would be unconstitutional, and yes, this very Chamber, the House of Representatives, would be unconstitutional.

To call the Pledge of Allegiance unconstitutional is the highest embarrassment for our judicial system, and this ruling undermines everything our Nation stands for, principles set back in 1776, as well as the Declaration of Independence, which by the way includes the word God as well.

Mr. Speaker, is the very document that announced our Nation's independence also unconstitutional? Next week we will be celebrating our Nation's independence, and I hope every American will remember and celebrate our Nation's traditions, including expressing our unity as one Nation under God, indivisible, with liberty and justice for all, and may God bless America.

#### REPUBLICANS DENYING OUR SENIORS RELIEF THEY NEED

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, today Republicans refuse to permit consideration of a prescription drug plan for our seniors on the very same day that one of their leaders condemns the basic Medicare program as a Soviet-style program. The Republicans have no prescription drug plan, only a scheme to privatize Medicare and to protect prescription drug manufacturers. They want to turn seniors over to HMOs with no guaranteed deductible, no guaranteed premium, and no guaranteed benefit. Some plan.

The House Republican leadership has once again pledged its allegiance to the pharmaceutical manufacturers who are the price gougers that forcing our seniors to pay the highest prices of any people in the entire world. Little wonder that these same manufacturers are already on the airwaves across America paying millions for ads to defend their Republican House partners who are trying today to deny our seniors the relief they so very desperately need.

□ 1115

#### LIBERAL COURTS ERR AGAIN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, our liberal friends in the Federal courts have erred again. The 14th amendment says that no State, and I quote, "shall deprive any person of life, liberty, or property without due process of law." Yet late last year the Supreme Court ruled that this guaranteed doctors the right to impale partially-born babies in the skull with scissors and extract them dead from their mother's birth canals.

The first amendment says America cannot have an official State church,

like England has, and I quote, "Congress shall make no law respecting an establishment of religion." Yet a Federal judge in my district has recently ruled that the Ten Commandments have to be taken down from the county courthouse wall where they have stood for 82 years.

The first amendment says, "Congress shall make no law prohibiting the free exercise of religion." Yet, despite this, the 9th Circuit court ruled yesterday that in school children are not allowed to recite the Pledge of Allegiance any more, even though they have been doing it since 1892.

Mr. Speaker, the judicial branch of government is out of control. They are making a mockery of our Constitution. The Congress and the President must stand up to the radical activist judges and make things right again.

#### HOUSE DIVIDED ON PRESCRIPTION DRUG PLAN

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, 9 months ago I stood on this floor and talked about the attack upon my great city, the City of New York. Never before in my 4 years in this Congress had I felt this House and this country more united than at that moment.

The pundits began to speak, and they began to ask questions like, how long would it last; how long would this House stay united; and would it be the Democrats or the Republicans who would blink first? Unfortunately, it has been the Republicans.

Today, they offer a prescription drug plan without giving the opportunity for this side of the aisle to present our plan, without having a fair vote up and down on both. They know the Democratic side would win. This bill, our bill, would win the day.

It appears in the middle of the night that there was an election held, that there are now 436 Members of Congress. Robert Ingram, I do not know which State he is from, but he has already proven himself to be a great fund-raiser for the Republican side of the aisle. He has raised \$250,000 from GlaxoSmithKline, apparently his former company; from Pfizer, \$150,000; from Merck, \$150,000. The money is where this bill follows, and the American people are going to know about it.

This House has been brought asunder not by the Democrats but by the Republicans today, by their actions. It is intolerable, and the American people should know about it and know fully what happens today.

#### PRAISING MANCOR CAROLINA

(Mr. JOE WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise to commemorate the

50th anniversary of Mancor Carolina, located in Lugoff, in Kershaw County, South Carolina.

In 1987, Mancor opened a manufacturing business with 45 employees, serving customers such as Dana Corporation and Mack Trucks.

In 1998, Dilip Teppara became Vice President and General Manager of Mancor Carolina. During the last 4 years, under Mr. Teppara's leadership, Mancor has more than doubled its sales; and the company has grown to nearly 175 employees.

Mancor Carolina is now a major supplier to companies such as Dana in Lugoff, Freightliner in Gaffney, John Deere in Augusta, Komatsu in Newberry, Caterpillar, and Mack Trucks in Winnsboro. Mancor is one of the largest private employers in Kershaw County, and the company is undergoing a multimillion dollar expansion which will create new jobs for the community.

I want to commend Mr. Poul Hansen, Mr. Preben Ostberg, and Mr. Art Church for their vision in making Mancor Carolina a world-class manufacturing company. Most importantly, though, the success of Mancor Carolina is due to its employees and their families. Mancor would not be where it is today without their commitment, sacrifice, and dedication.

#### KEEP MEDICARE PUBLIC

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, 37 years ago, the majority Republicans voted against the creation of Medicare, which has turned out to be probably the single best program the U.S. government has ever sponsored.

Republican leader Newt Gingrich said that Medicare should wither on the vine. The Republicans, in the late 1990s, proceeded to cut \$250 billion from Medicare. Today, our Republican leader in the Committee on Rules labeled Medicare a Soviet-style program. In my 10 years in Congress, the only people I have found that are hostile to Medicare, that do not like the Medicare program, are my Republican friends on that side of the aisle.

Today, we have a choice. We have a choice between a Medicare prescription drug plan written for America's seniors or a private insurance plan written, the Republican's private insurance plan, written by and for the drug companies, which will privatize Medicare.

Let us keep Medicare public, let us pass a prescription drug benefit that works for seniors, not for the drug companies.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 461 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 461

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for purposes of debate only.

Yesterday, the Committee on Rules met and granted an open rule for H.R. 5010, the fiscal year 2003 Department of Defense Appropriations Act. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations.

This is a fair and open rule for a very important bill. It cannot get any better than that. The rule allows any Member to offer any amendment to the bill, as long as their amendment complies with the normal rules of the House.

The defense appropriations bill provides the tools and the resources for our military to wage an aggressive war against terrorism while defending our Nation against an ever-changing military threat. In our global campaign against global terror, our military must have every resource, every tool, every weapon and every advantage they need for the missions to come.

I agree with President Bush when he says that there is no silver bullet, no single event or single action that is going to suddenly make the threat of terrorism disappear. This broad-based and sustained effort will continue until terrorism is routed out. The situation is similar to the Cold War, when continuous pressure from many nations caused communism to collapse from within. We will press the fight as long as it takes, and we will prevail.

I am very pleased that this bill makes significant improvements in the quality of life of the men and women who serve in the Armed Forces. These improvements include a 4.1 percent military personnel pay raise and targeted pay raises to mid-grade non-commissioned officers; generous housing allowances that will significantly decrease service personnel's out-of-pocket housing expenses; and access to quality health care.

We can never pay our men and women in uniform on a scale that matches the magnitude of their sacrifice, but this bill reflects our respect for their selfless service.

Today, more than ever, we also owe those in uniform the resources they need to maintain a very high state of readiness. Our enemies rely upon surprise and deception. They used to rely upon the fact that they thought we were soft, but I do not think they think that way anymore.

Our forces must be ready to deploy to any point on the globe on short notice. This bill increases operation and maintenance by over \$9.7 billion. Our Nation must have, and will have, ready forces that can bring victory to our country and safety to our people.

The world's best soldiers, sailors, airmen and Marines also deserve the world's best weaponry. To ensure that, our Nation must invest in procurement. This defense bill contains about \$70.3 billion for procurement. The Nation must give our military the weapons it needs to meet the threats of our future. If the war against terror means we must find terror wherever it exists, pull it out by its roots, and bring people to justice, our military must have the means to achieve the objective.

To that end, Mr. Speaker, I urge my colleagues to support this rule and to support the underlying bill. Because now, more than ever, we must improve our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Over the past several months, Mr. Speaker, the world has seen the skill, courage and professionalism of the United States military. America's men and women in uniform have done everything this country has asked of them, and they have done it well. So I am pleased to report that the defense appropriations bill on the floor today provides them with the resources they need to continue to ensure our national security.

I would like to commend the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG); the ranking Democrat, the gentleman from Wisconsin (Mr. OBEY); the subcommittee chairman, the gentleman from California (Mr. LEWIS); and the subcommittee ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for the tremendous job they have done to support America's troops and to protect Americans here at home. The bill represents the bipartisan support this Congress has for our troops and the war on terrorism.

Overall, it provides nearly \$34 billion more for national defense than we spent last year. It reflects the homeland security priorities for which Democrats have fought so hard, including \$385 million for the chemical and biological defense program, and it funds substantial quality of life improvements for America's men and women in uniform and their families.

In particular, this bill includes a 4.1 percent military pay raise and even larger increases for the mid-grade non-commissioned officers whom the armed services must retain. To improve military health care, it significantly increases funding for the Defense Health Program, some \$141 million above the President's request.

I also am pleased that this bill continues to fund the wide range of weapons programs that will ensure America's military superiority throughout the world. For instance, it includes \$4.1 billion to procure 23 F-22 Raptor aircraft, the next-generation air dominance fighter for the Air Force. It also provides \$882 million for research and development for this aircraft.

Additionally, the bill provides \$3.5 billion for continued development of the Joint Strike Fighter, the high-technology multi-role fighter of the future for the Air Force, the Navy and the Marines; and it includes \$1 billion for 11 V-22 aircraft.

In sum, Mr. Speaker, this bill does a good job of providing needed resources to our troops for the fiscal year that begins on October 1, but I would be remiss if I did not call attention to the more pressing problem facing America's military right now. Specifically, U.S. troops are fighting the war on terrorism around the world at this very moment. They are winning, but they desperately need additional resources now for the remainder of this fiscal year.

Mr. Speaker, it is no secret that the Armed Forces will have to take drastic steps if they do not get help soon. The Army could have to cancel training exercises, for instance; and the Air Force could have to severely cut flight hours.

That is why both the House and the Senate passed the emergency supplemental appropriations bill with substantial bipartisan support. Unfortunately, that bill is still stuck in a conference committee. Why? Because Republican leaders are playing a high-stakes game of political chicken with our troops.

□ 1130

They are trying to use the wartime spending bill to hide the fact that they have increased America's national debt and are raiding Social Security.

Make no mistake, America's debt is increasing because of the fiscally irresponsible tax plan Republicans passed last year. But House Republican leaders are desperate to disguise that fact from the American people, so they are holding hostage the wartime emergency spending supplemental bill.

Mr. Speaker, House Democrats have repeatedly tried to work with Republicans to ensure the United States does not default on its debt. We have offered to help pass a bipartisan, short-term increase in the debt limit. All we ask is that Republicans join us in an honest, comprehensive budget summit so we can stop the fiscal irresponsibility that is rating the Social Security trust fund.

Unfortunately, Republican leaders are afraid to take responsibility for their actions. They are afraid that a straight up-or-down vote to raise the debt ceiling will highlight the rising tide of red ink Republicans have created.

That sort of budgetary dishonesty is bad enough, but holding up the emergency supplemental spending bill that our troops need is beyond the pale. Simply put, it is a particularly shameful form of war profiteering.

Mr. Speaker, it does not have to be that way. Historically, Democrats and Republicans in Congress have worked together to support America's national defense. On the floor today, we are doing just that with the spending bill for the next fiscal year.

I urge the Republican leadership to stop holding hostage the emergency wartime supplemental spending bill. Have the courage to increase the debt separately and free the supplemental.

How, Mr. Speaker, can the Republican leadership let this body adjourn for the Fourth of July recess, our most patriotic celebration, without tending to the needs of the men and women who are defending our flag and our country in every corner of this globe? To me, it is an abdication of the responsibilities we, the elected Members of the House of Representatives, have to our constituents and to our country.

If the Republican majority wants to govern, now is the time to show the country that they are capable of doing so. Pass a separate debt limit and bring up the supplemental that is so desperately needed right now by every branch of the armed services.

If the Republican leadership will do that, then we can pass the supplemental with an overwhelmingly bipartisan majority and get the troops the assistance that they need today. We are providing the assistance in this legislation that is before us that they need starting October 1, and that is good and we all support that. But what about the months of July, August, and September? Let us move on and provide that help also.



Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, this is a bipartisan bill. It is a bipartisan rule. Both ought to be supported. The bill itself will pass overwhelmingly after the House is finished disposing of it. I want to congratulate all of those who had anything to do with putting it together, most especially the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA).

Having said that, I cannot help but noting how ironic it is that on the same day that the House will be debating the bill that provides the resources to enable our military to defend this country and to take the battle to terrorists around the world, how ironic it is that this House on another bill coming up later today will not stand up for the very values that we are today but-tressing by the funding that we are providing in this bill.

What will happen today, in my view, on the rule on prescription drugs will demonstrate that the biggest threat to this democracy and the biggest threat to the average citizen just trying to get through the day and pay their bills, the biggest threat to them is not from any foreign power. The biggest threat is from some of their own representatives who will refuse to practice democracy here at home.

We are shortly going to be considering a prescription drug bill which is of, by, and for the pharmaceutical industry. It is designed not to solve the problem of seniors who face mounting drug costs. It is designed to block us from being able to provide any comprehensive, meaningful relief by providing a guaranteed benefit under Medicare.

It is apparent to me that those who run this House have determined that the only way they can win with their proposal is to avoid giving the elected representatives of every senior in America an opportunity to choose how we can most effectively solve the problem of runaway prescription drug prices.

It seems to me that a Congress which can produce legislation such as we have before us this morning is a Congress that ought not to be afraid to provide choice in the way we deal with the problems of our senior citizens. We hear the Republican leadership of this Congress prattle on to an almost nauseating degree about the need for us to provide choice programs in schools; but they are apparently afraid to give us the opportunity to choose among alternatives when it comes to dealing with what is probably the biggest financial crisis that our senior citizens have today.

I am going to support this rule, and I will support this bill; but it is a sad

day when the elected leadership of this House, who more than any other have a responsibility to defend democratic values, decide instead that the only way they can win is by crushing those same democratic values.

Make no mistake about it, the prescription drug bill which is coming at us today is not designed to solve a problem. It is designed to prevent Members of this House from producing a comprehensive alternative that will solve the problem. It says to America's seniors, you are going to have to accept the fact that we have decided in our infinite wisdom that the only solution we will provide for the problem is a subsidizing of insurance companies.

Mr. Speaker, that is not what the average senior expects. It is not what our constituents, regardless of age, elected us to come here to do. Before this day is over, it will be a shameful day in the history of democracy in this House.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

(Mr. HAYES asked and was given permission to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I thank the gentlewoman for yielding me this time.

The irony today that we stand before this body and ask for the needed resources and assets that our men in uniform need to protect our freedom and our liberty and our heritage, we stand here under the very appropriate words "In God We Trust," but yet a judge in California, with the stroke of a pen, would undo these things that we fight for. I hope that irony is not lost on us today.

Mr. Speaker, I rise in support of the rule that will allow for consideration of H.R. 5010, the defense appropriations bill for fiscal year 2003. The tragic events of September 11, 2001, have thrust our Nation's military into the spotlight and called to duty the brave men and women of the U.S. Armed Forces. Once again, U.S. citizens are rallying behind them in strong support of the harrowing mission they have been called upon to do; and today the United States Congress has a duty to pass this important legislation that will help provide the necessary resources for these brave men and women to do their job.

This legislation first and foremost takes care of our most vital asset in the military, our people. It provides every servicemember with a 4.1 percent pay raise. It approves housing allowances for the buy-down of service personnel's out-of-pocket housing expenses from 11.3 to 7.5 percent in 2003. For the soldiers and airmen in my district at Fort Bragg and Pope Air Force Base, the ability to adequately care for their families and train for the mission for which they are called are the two issues which are second to none. I believe this legislation makes significant progress in these areas.

The defense appropriations bill for fiscal year 2003 builds upon our work

from last year and continues to reverse the decline of military readiness by funding key operations, maintenance, and training accounts. This financial support devoted to our national security is long in coming. We must adequately provide the men and women from Fort Bragg and Pope Air Force Base and all of our military personnel who are currently prosecuting the war on terrorism adequate and necessary resources to do their job.

I would like to specifically mention that this bill provides some funding for some key capabilities for our U.S. Special Forces, whose anniversary we celebrated last week. While they, alongside members from all our Armed Forces, serve in Afghanistan and all over the world today, we show our support by providing the funding necessary to effectively and safely do their job. The \$354.7 billion we are voting on today will help do that. It is targeted at two of the most critical areas crucial to maintaining a quality of life and readiness. Furthermore, this bill funds the development and testing of an effective ballistic missile defense system.

Mr. Speaker, it is gross injustice and misfortune that it took the tragedy in September to focus the public eye on the need for a more robust defense budget; but I feel the legislation in front of us takes that step, and the rule provides for its consideration. I urge Members to vote strongly in favor of the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, at a time when this country is prepared to spend up to \$400 billion for the military and an extra \$50 billion for defense, \$37 billion for homeland security, I think it is appropriate to ask how we can create peace around the world.

Last summer, I introduced H.R. 2459, legislation to create a Cabinet-level Department of Peace which embodies a broad-based approach to peaceful, non-violent conflict resolution at domestic and international levels. The mission of the Department is to make non-violence an organizing principle in our society and to help create conditions for a more peaceful world where someday we can make war itself archaic. Over 43 Members of Congress support this bill.

The Department would be headed by a Secretary of Peace appointed by the President with the advice and consent of the Senate. Domestically, the Department would be responsible for developing policies which address issues, including domestic violence, child abuse, mistreatment of the elderly. Internationally, the Department would analyze foreign policy and make recommendations to the President on matters pertaining to national security, including the protection of human rights and the prevention and de-escalation on armed and unarmed international conflict.

I have received thousands of letters of support and e-mails from all over



the United States and all over the world in support of a Department of Peace. People are demanding an end to violence. They are demanding an end to war, and the Department of Peace can be instrumental in realizing this goal.

We are in a new millennium, and the time has come to review age-old challenges with new thinking, wherein we can conceive of peace as simply not being the absence of violence, but the active presence and the capacity for a higher evolution of human awareness, of respect, trust and integrity; wherein we all may tap the infinite capabilities of humanity to transform consciousness and conditions which impel or compel violence at a personal, group, or national level toward developing a new understanding of, and a commitment to, compassion and love.

We have above the Speaker the words "In God We Trust." Let us place our faith in our capacity to go beyond weapons as instruments of resolving international conflict and believe in our own ability to evolve and to make

a difference. The Department of Peace is a path toward just that.

□ 1145

Mr. FROST. Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 461 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5010.

□ 1145

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the

consideration of the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

It is my privilege to rise today and join the gentleman from Pennsylvania (Mr. MURTHA) to take up the defense appropriations bill for the year 2003. We have been allocated adequate time on both sides. This bill involves an expenditure of some \$354.7 billion on behalf of our national defense, and at this point, I would like to insert for the RECORD a summary of this bill, by appropriations account.

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003  
(Amounts in Thousands)**

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE I</b>					
<b>MILITARY PERSONNEL</b>					
Military Personnel, Army.....	23,752,384	27,079,392	26,832,217	+3,079,833	-247,175
Military Personnel, Navy.....	19,551,484	22,074,901	21,874,395	+2,322,911	-200,506
Military Personnel, Marine Corps.....	7,345,340	8,558,887	8,504,172	+1,158,832	-54,715
Military Personnel, Air Force.....	19,724,014	22,142,585	21,957,757	+2,233,743	-184,828
Reserve Personnel, Army.....	2,670,197	3,398,555	3,373,455	+703,258	-25,100
Reserve Personnel, Navy.....	1,654,523	1,927,152	1,897,352	+242,829	-29,800
Reserve Personnel, Marine Corps.....	471,200	557,883	553,983	+82,783	-3,900
Reserve Personnel, Air Force.....	1,061,160	1,243,904	1,236,904	+175,744	-7,000
National Guard Personnel, Army.....	4,041,695	5,128,988	5,070,188	+1,028,493	-58,800
National Guard Personnel, Air Force.....	1,784,654	2,135,611	2,124,411	+339,757	-11,200
Total, title I, Military Personnel.....	82,056,651	94,247,858	93,424,834	+11,368,183	-823,024
<b>TITLE II</b>					
<b>OPERATION AND MAINTENANCE</b>					
Operation and Maintenance, Army.....	22,335,074	23,961,173	23,942,768	+1,607,694	-18,405
Operation and Maintenance, Navy.....	26,876,636	28,697,235	29,121,836	+2,245,200	+424,601
Operation and Maintenance, Marine Corps.....	2,931,934	3,310,542	3,579,359	+647,425	+268,817
Operation and Maintenance, Air Force.....	26,026,789	26,772,768	27,587,959	+1,561,170	+815,191
Operation and Maintenance, Defense-Wide.....	12,773,270	14,169,258	14,850,377	+2,077,107	+681,119
Operation and Maintenance, Army Reserve.....	1,771,246	1,880,110	1,976,710	+205,464	+96,600
Operation and Maintenance, Navy Reserve.....	1,003,690	1,159,734	1,239,309	+235,619	+79,575
Operation and Maintenance, Marine Corps Reserve.....	144,023	185,532	189,532	+45,509	+4,000
Operation and Maintenance, Air Force Reserve.....	2,024,866	2,135,452	2,165,604	+140,738	+30,152
Operation and Maintenance, Army National Guard.....	3,768,058	4,049,567	4,231,967	+463,909	+182,400
Operation and Maintenance, Air National Guard.....	3,988,961	4,062,445	4,113,010	+124,049	+50,565
Overseas Contingency Operations Transfer Fund 1/.....	50,000	50,000	---	-50,000	-50,000
United States Court of Appeals for the Armed Forces...	9,096	9,614	9,614	+518	---
Environmental Restoration, Army.....	389,800	395,900	395,900	+6,100	---
Environmental Restoration, Navy.....	257,517	256,948	256,948	-569	---
Environmental Restoration, Air Force.....	385,437	389,773	389,773	+4,336	---
Environmental Restoration, Defense-Wide.....	23,492	23,498	23,498	+6	---
Environmental Restoration, Formerly Used Defense Sites	222,255	212,102	212,102	-10,153	---
Overseas Humanitarian, Disaster, and Civic Aid.....	49,700	58,400	58,400	+8,700	---
Former Soviet Union Threat Reduction.....	---	416,700	416,700	+416,700	---
Support for International Sporting Competition, Defense	15,800	19,000	19,000	+3,200	---
Defense emergency response fund 2/.....	---	19,460,616	---	---	-19,460,616
Total, title II, Operation and maintenance.....	105,047,644	131,676,367	114,780,366	+9,732,722	-16,896,001
<b>TITLE III</b>					
<b>PROCUREMENT</b>					
Aircraft Procurement, Army.....	1,984,391	2,061,027	2,214,369	+229,978	+153,342
Missile Procurement, Army.....	1,079,330	1,642,296	1,112,772	+33,442	-529,524
Procurement of Weapons and Tracked Combat Vehicles, Army.....	2,193,746	2,248,558	2,248,358	+54,612	-200
Procurement of Ammunition, Army.....	1,200,465	1,159,426	1,207,560	+7,095	+48,134
Other Procurement, Army.....	4,183,736	5,168,453	6,017,380	+1,833,644	+848,927
Aircraft Procurement, Navy.....	7,938,143	8,203,955	8,682,655	+744,512	+478,700
Weapons Procurement, Navy.....	1,429,592	1,832,617	2,384,617	+955,025	+552,000
Procurement of Ammunition, Navy and Marine Corps.....	461,399	1,015,152	1,167,130	+705,731	+151,978
Shipbuilding and Conversion, Navy.....	9,490,039	8,191,194	8,127,694	-1,362,345	-63,500
Other Procurement, Navy.....	4,270,976	4,347,024	4,631,299	+360,323	+284,275

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003  
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Procurement, Marine Corps.....	995,442	1,288,383	1,369,383	+373,941	+81,000
Aircraft Procurement, Air Force.....	10,567,038	12,067,405	12,492,730	+1,925,692	+425,325
Missile Procurement, Air Force.....	2,989,524	3,575,162	3,185,439	+195,915	-389,723
Procurement of Ammunition, Air Force.....	866,644	1,133,864	1,290,764	+424,120	+156,900
Other Procurement, Air Force.....	8,085,863	10,523,946	10,622,660	+2,536,797	+98,714
Procurement, Defense-Wide.....	2,389,490	2,688,515	3,457,405	+1,067,915	+768,890
National Guard and Reserve Equipment.....	699,130	---	---	-699,130	---
Defense Production Act Purchases .....	40,000	73,057	73,057	+33,057	---
Total, title III, Procurement.....	60,864,948	67,220,034	70,285,272	+9,420,324	+3,065,238
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army 3/..	7,106,074	6,820,333	7,447,160	+341,086	+626,827
Research, Development, Test and Evaluation, Navy.....	11,498,506	12,496,065	13,562,218	+2,063,712	+1,066,153
Research, Development, Test and Evaluation, Air Force.	14,669,931	17,564,984	18,639,392	+3,969,461	+1,074,408
Research, Development, Test and Evaluation, Defense-Wide.....	15,415,275	16,598,863	17,863,462	+2,448,187	+1,264,599
Operational Test and Evaluation, Defense.....	231,855	222,054	242,054	+10,199	+20,000
Total, title IV, Research, Development, Test and Evaluation.....	48,921,641	53,702,299	57,754,286	+8,832,645	+4,051,987
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds.....	1,312,986	1,499,656	1,832,956	+519,970	+333,300
National Defense Sealift Fund: Ready Reserve Force	432,408	934,129	944,129	+511,721	+10,000
Total, title V, Revolving and Management Funds..	1,745,394	2,433,785	2,777,085	+1,031,691	+343,300
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance.....	17,659,475	14,234,041	13,916,791	-3,742,684	-317,250
Procurement.....	267,915	278,742	283,743	+15,828	+5,001
Research and development.....	463,804	67,214	400,214	-63,590	+333,000
Total, Defense Health Program.....	18,391,194	14,579,997	14,600,748	-3,790,446	+20,751
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance.....	739,020	974,238	974,238	+235,218	---
Procurement.....	164,158	213,278	213,278	+49,120	---
Research, development, test and evaluation.....	202,379	302,683	302,683	+100,304	---
Total, Chemical Agents.....	1,105,557	1,490,199	1,490,199	+384,642	---
Drug Interdiction and Counter-Drug Activities, Defense	842,581	848,907	859,907	+17,326	+11,000
Office of the Inspector General.....	152,021	157,165	157,165	+5,144	---
Total, title VI, Other Department of Defense Programs.....	20,491,353	17,076,268	17,108,019	-3,383,334	+31,751
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund.....	212,000	212,000	212,000	---	---
Intelligence Community Management Account.....	160,429	147,754	162,254	+1,825	+14,500
Transfer to Department of Justice.....	(42,752)	(34,100)	(34,100)	(-8,652)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003  
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund.....	67,500	25,000	25,000	-42,500	---
National Security Education Trust Fund.....	8,000	8,000	8,000	---	---
Total, title VII, Related agencies.....	447,929	392,754	407,254	-40,675	+14,500

## TITLE VIII

## GENERAL PROVISIONS

Additional transfer authority (Sec. 8005).....	(2,000,000)	(2,500,000)	(2,500,000)	(+500,000)	---
Indian Financing Act incentives (Sec. 8021).....	8,000	---	8,000	---	+8,000
FFRDCs.....	-40,000	---	---	+40,000	---
Disposal & lease of DOD real property (Sec. 8035).....	19,000	29,730	29,730	+10,730	---
Overseas Mil Fac Invest Recovery (Sec. 8038).....	3,362	---	1,000	-2,362	+1,000
Rescissions (Sec. 8050).....	-531,475	---	-192,932	+338,543	-192,932
Excess Foreign Currency Cash Balance (Sec. 8082).....	-240,000	---	-615,000	-375,000	-615,000
Travel Cards (Sec. 8087).....	8,000	10,000	10,000	+2,000	---
Defense Cooperation Account (Sec. 8109).....	---	5,000	5,000	+5,000	---
United Service Organizations.....	8,500	---	---	-8,500	---
Transfer within SCN (Sec. 8130).....	---	---	---	---	---
Government Purchase Card (Sec. 8103).....	-100,000	---	-97,000	+3,000	-97,000
National D-Day Museum.....	4,250	---	---	-4,250	---
American Red Cross.....	3,500	---	---	-3,500	---
Newmark.....	8,500	---	---	-8,500	---
Fisher House (Sec. 8099).....	1,700	---	2,000	+300	+2,000
Zero emission steam technology demo.....	1,700	---	---	-1,700	---
CAAS/Contract Growth (Sec. 8100).....	-1,650,000	---	-51,000	+1,599,000	-51,000
Utilities.....	-105,000	---	---	+105,000	---
Tethered Aerostat Radar System .....	3,000	---	---	-3,000	---
Fairchild Air Force Base .....	6,000	---	---	-6,000	---
Army Acquisition Restructuring .....	-5,000	---	---	+5,000	---
USS Alabama Museum Memorial .....	4,200	---	---	-4,200	---
Special Needs Learning Center .....	3,500	---	---	-3,500	---
Eisenhower Commission .....	2,600	---	---	-2,600	---
Travel cost growth .....	-262,000	---	---	+262,000	---
Legislative liaison savings .....	-50,000	---	---	+50,000	---
Reserve Component Incentive and Bonus programs .....	10,000	---	---	-10,000	---
Fort Des Moines Memorial Grant .....	4,500	---	---	-4,500	---
Clear Radar Upgrade .....	8,000	---	---	-8,000	---
Defense Counter-Terrorism Fellowship prog.....	17,900	---	---	-17,900	---
Padgett Thomas Barracks .....	15,000	---	---	-15,000	---
USS Intrepid Museum Memorial .....	4,250	---	---	-4,250	---
Armed Forces Retirement Home .....	5,200	---	---	-5,200	---
Working Capital Funds Cash Balance (Sec.8112).....	---	---	-470,000	-470,000	-470,000
Working Capital Funds Excess Carryover (Sec. 8113)....	---	---	-475,000	-475,000	-475,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8115)	---	---	4,000	+4,000	+4,000
Army Venture Capital Funds (Sec. 8105).....	---	---	17,000	+17,000	+17,000
Total, title VIII, General Provisions.....	-2,832,813	44,730	-1,824,202	+1,008,611	-1,868,932

## TITLE IX

COUNTER-TERRORISM & DEFENSE AGAINST  
WEAPONS OF MASS DESTRUCTION

Counter-Terrorism & Operational Response Transfer Fund	478,000	---	---	-478,000	---
Transfer to Department of Justice.....	(10,000)	---	---	(-10,000)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003  
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Former Soviet Union Threat Reduction.....	403,000	---	---	-403,000	---
Total, title IX, Counter-terrorism and Defense Against Weapons of Mass Destruction.....	881,000	---	---	-881,000	---
Total for the bill (net).....	317,623,747	366,794,095	354,712,914	+37,089,167	-12,081,181
OTHER APPROPRIATIONS					
Emergency Response Fund (P.L. 107-117).....	3,395,600	---	---	-3,395,600	---
Net grand total (including other appropriations)	321,019,347	366,794,095	354,712,914	+33,693,567	-12,081,181
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Stockpile collections (unappropriated).....	-150,000	---	---	+150,000	---
O&M, Army transfer to National Park Service:					
Defense function.....	-1,000	---	---	+1,000	---
Nondefense function.....	1,000	---	---	-1,000	---
Disabled military retiree payments (mandatory)....	55,000	55,000	55,000	---	---
Military personnel accounts (discretionary)...	-55,000	-55,000	-55,000	---	---
Total adjustments.....	-150,000	---	---	+150,000	---
Adjusted total (incl scorekeeping adjustments) 4/	320,869,347	366,794,095	354,712,914	+33,843,567	-12,081,181
Appropriations.....	(321,400,822)	(366,794,095)	354,905,846	(+33,505,024)	(-11,888,249)
Rescissions.....	(-531,475)	---	(-192,932)	(+338,543)	(-192,932)
Total (including adjustments).....	320,869,347	366,794,095	354,712,914	+33,843,567	-12,081,181
Amount in this bill.....	(321,019,347)	(366,794,095)	354,712,914	(+33,693,567)	(-12,081,181)
Scorekeeping adjustments.....	(-150,000)	---	---	(+150,000)	---
Total mandatory and discretionary.....	320,869,347	366,794,095	354,712,914	+33,843,567	-12,081,181
Mandatory.....	267,000	267,000	267,000	---	---
Discretionary.....	320,602,347	366,527,095	354,445,914	+33,843,567	-12,081,181

## Footnotes:

1. Budget amendment (H. Doc. 107-189) reduced Overseas Contingency Operations Transfer Fund by \$2,632,000.
2. The FY 2003 budget request for the "Defense Emergency Response Fund" was reduced by \$594,384,000 and transferred to Military Construction.
3. Budget Amendment (H. Doc. 107-219) terminated the Army's Crusader artillery program of \$475,609,000 and reallocated these funds to other R&D, Army programs.
4. The fiscal year 2003 budget request was adjusted to not include \$3,412,561,000, the proposed cost to cover the accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003  
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel.....	82,056,651	94,247,858	93,424,834	+11,368,183	-823,024
Title II - Operation and Maintenance.....	105,047,644	131,676,367	114,780,366	+9,732,722	-16,896,001
Title III - Procurement.....	60,864,948	67,220,034	70,285,272	+9,420,324	+3,065,238
Title IV - Research, Development, Test and Evaluation.	48,921,641	53,702,299	57,754,286	+8,832,645	+4,051,987
Title V - Revolving and Management Funds.....	1,745,394	2,433,785	2,777,085	+1,031,691	+343,300
Title VI - Other Department of Defense Programs.....	20,491,353	17,076,268	17,108,019	-3,383,334	+31,751
Title VII - Related agencies.....	447,929	392,754	407,254	-40,675	+14,500
Title VIII - General provisions (net).....	-2,832,813	44,730	-1,824,202	+1,008,611	-1,868,932
Title IX - Counter-terrorism & Defense against Weapons of Mass Destruction (net).....	881,000	---	---	-881,000	---
Total, Department of Defense (in this bill).....	317,623,747	366,794,095	354,712,914	+37,089,167	-12,081,181
Other appropriations.....	3,395,600	---	---	-3,395,600	---
Total DoD funding available (net).....	321,019,347	366,794,095	354,712,914	+33,693,567	-12,081,181
Scorekeeping adjustments.....	-150,000	---	---	+150,000	---
Total mandatory and discretionary.....	320,869,347	366,794,095	354,712,914	+33,843,567	-12,081,181

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

We did the best we could do with the amount of money we had available. This is a good bill.

Mr. SCOTT. Mr. Chairman, I am pleased to rise in support of this legislation to provide for the FY 2003 Department of Defense appropriations. I extend my appreciation to both Subcommittee Chairman LEWIS and Ranking Member MURTHA for this bipartisan legislation.

I have the pleasure of representing portions of the Hampton Roads area—home to Newport News Shipyard and the world's largest naval base, Norfolk Naval base. The recently released 2000 census figures show that the Hampton Roads area is the military capital of the United States. We have 91,615 men and women in uniform that live in the Hampton Roads metropolitan area, more than anywhere else in the country. For these men and women, I am especially pleased that the appropriations bill funds a 4.1 percent pay increase and increases the basic housing allowance for our hardworking military personnel. Now more than ever, it is important that we show our appreciation for our men and women in uniform.

I would also like to compliment the Committee for appropriating \$250 million for the new carrier, CVN-77. Since 9-11, we have overextended the use of our current carriers. Given the new threats we face, it is appropriate that we proceed with the construction of the new carrier. This is also an item for which the entire Virginia Delegation worked very hard to secure appropriations.

In addition to the funding for the new carrier, funding to allow for the construction of the fourth *Virginia* class submarine is vitally important.

Finally, I would like to thank the Subcommittee for funding that would go to science programs at historically black colleges and universities and for institutions serving Hispanic students.

Mr. SHAYS. Mr. Chairman, last year, as it has since 1990, the General Accounting Office (GAO) declared that Department of Defense's financial management systems pose a high risk of fraud, waste and mismanagement.

To get a better understanding of how the acquisition and procurement processes should operate, the House Government Reform Committee, National Security, Veterans Affairs and International Relations Subcommittee asked GAO to follow a defense inventory item from the initial idea through procurement and operation. They reviewed the procurement, accounting, control and payment processes for the Joint Lightweight Integrated Suit Technology (JLIST), a chemical and biological protection garment for use by military personnel.

The General Accounting Office found DOD's nonintegrated data systems and processes are wasting money and degrading readiness. Despite pledges to the Subcommittee 2 years ago to fix scattered inventory controls, DOD still cannot provide a real-time accounting of the location and condition of critical protective equipment.

As a result, as DOD procures hundreds of thousands of new JLIST garments annually, some military units have formally declared JLIST garment surpluses while others cannot

get enough suits for training. While DOD is scheduled to procure 2.8 million more JLIST garments for approximately \$100 each, GAO found some had been auctioned on the Internet for less than \$3 each.

This form of waste directly affects readiness. When the chemical alarms again sound in the desert, U.S. forces will need those suits. Transformation of DOD's last-century financial management systems into a 21st Century enterprise architecture is a critical element of their ability to survive, and prevail, against tomorrow's threats.

DOD has been bogged down by scores of outdated data information systems that do not allow commanders and managers to make effective management decisions. The Secretary of Defense has stated, "One of my highest priorities is to have reliable, accurate and timely financial management information upon which to make the most effective business decisions," and has tasked the Under Secretary of Defense (Comptroller) to achieve this goal.

The use of chemical and biological weapons is a very real threat. The Comptroller must have the tools to assure military inventory, such as the JSLST and other protective equipment, and medical supplies, is readily available when needed. Except for system changes that are the results of statutory directives, the Department and its components should not allocate any funding to modify any system that is part of DOD's current financial management environment without the approval of the Comptroller. In granting this approval, the Under Secretary of Defense should assure that a valid business case has been made and that the systems modifications or enhancements comply with the new enterprise architecture DOD is attempting to implement.

Mr. CHAMBLISS. Mr. Chairman, I strongly support the FY03 National Defense Appropriations Act, which provides critical resources for our military to ensure that they have the adequate training, modern equipment, and sufficient resources to do their job in protection of our nation. I am proud of the work this Congress has done in crafting a bill that will support our troops and their families.

This bill is important for our nation. Our troops deserve a pay raise and we provide that to them. We provide our troops and their families quality health care and benefits, which they are entitled to in return for their service and sacrifice for our nation. We provide significant funds for the development of technologies that are needed for our missile defense systems so that we are better prepared to meet the future threats this country faces. We increase the resources available to combat terrorism, which now is an immediate threat to the people of the United States. We increase key readiness accounts so that we continue to increase our capabilities to support our warfighters who are actively engaged in protecting American interests around the globe.

Let me say that this bill is also important to Georgia. We fully funded the president's budget requests for vital modern aircraft for our Air Force, include the F-22 advanced tactical fighter, the C-17, the C-130 and JSTARS and I oppose attempts to decrease funding for these critical weapons systems that our troops need to successfully fight and win a war.

Mr. Chairman, terrorism and our national security are not temporary problems, but perpetual reminders of the uncertainty of the days

ahead and the need for our continued support for a strong national defense. I encourage my colleagues to join me in supporting our military and our President by voting for this bill and ensuring that the men and women in uniform who serve our nation valiantly everyday to protect and defend our freedom have the resources which they need to do their job and win the war on terrorism.

Mr. PASTOR. Mr. Chairman, it has come to my attention that the application of precisely controlled heat has shown excellent results in the treatment of benign and malignant skin disease. I am aware of the great potential of the ThermoMed Instrument in this regard and the published results of physicians using it. Impressive benefits including high cure rates, non-invasive and safe treatment, rapid healing and excellent cosmetic results, confirm the applicability of this new technology for the curative treatment of diseased tissue. Accordingly, I encourage the Department of Defense to conduct clinical evaluation of the ThermoMed Instrument and its applications for treating armed forces deployed around the world.

Mr. BENTSEN. Mr. Chairman, today I rise in support of H.R. 5010, important legislation that provides \$354.7 billion appropriations to the Department of Defense (DoD), supporting the honorable men and women, at home and abroad, who are in service to the nation at this critical time. As our nation continues to face the most pressing military and defense priorities in its history, we must continue to provide adequate and secure funding for the continuing war on terrorism, and the DoD remains at the forefront of these vigilant efforts.

Mr. Chairman, I do have concerns about placing this measure first in our annual drive to pass appropriations bills, as we run the risk of drying up the well of funds available for the other funding measures. However, I am pleased that the Appropriations Committee has approved appropriate, responsible increases in funding for military personnel and operations and management over the Fiscal Year 2002 budget, as the DoD infrastructure must be capable of handling continuing and unanticipated demands in the global fight against terrorism.

More importantly, I am pleased that H.R. 5010 provides \$11 million in federal funds for the Texas Training and Technology for Trauma and Terrorism (T5) program, \$9.5 million for the Biology, Education, Screening, Chemoprevention, and Treatment (BESCT) lung cancer program at University of Texas (U.T.) M.D. Anderson Cancer Center, and \$500,000 to the 147th Fighter Squadron of the U.S. Air Force's Texas Air National Guard to obtain chiropractic health care services. As the Texas delegation's lead sponsor of these projects, I have worked with the Memorial Hermann Hospital, Texas Heart Institute, and M.D. Anderson Cancer Center in my district, and the House Appropriations Committee, to secure funding as part of H.R. 5010.

Mr. Chairman, the T5 program is a collaborative effort with Memorial Hermann Hospital, the Texas Heart Institute, and M.D. Anderson Cancer Center, that focuses on improving emergency care. The goal of the program is to identify the best ways of protecting Houston, and any other cities, from the mortality and cost of terrorism and other disasters. The T5 program is the successor program to the acclaimed University of Texas-Army collaboration known as DREAMS (Disaster Relief and



Emergency Medical Services). This program will develop cutting-edge digital technology to link ambulances, hospitals, and LifeFlight helicopters to ensure faster diagnosis and treatment for patients; it establishes a Center for Disaster Preparedness that will focus on developing training programs for public health workers, emergency medical technicians, physicians, nurses, and public health programs in bioterrorism and disaster preparedness; and T5 establishes a new Army Training Center at the University of Texas Research Park where Army personnel undergo training in chemical and biological defenses and trauma surgery. The \$11 million approved for this program represents the first federal support for the project. In the past, I helped secure \$38 million for DREAMS, the previous program that T5 is modeled after. Memorial Hermann Hospital, Texas Heart Institute and M.D. Anderson Cancer Center are to be commended for their leadership in developing the medical technologies and treatments of the 21st Century.

In addition to that funding, the \$9.5 million approved in H.R. 5010 for the BESCT lung cancer program at the U.T. M.D. Anderson Center is the fourth installment in a five-year plan to provide comprehensive services for lung cancer patients, including smoking cessation, early diagnosis, inhibition of cancer development in active and former smokers, and improved treatment and survival for patients with active lung cancer. In the past, I helped secure \$18 million for this program as part of the Appropriations process. Mr. Speaker, lung cancer is the leading cause of cancer death in the United States today, killing more than 160,000 individuals a year. Research for this disease has not received adequate funding in proportion to the number of lung cancer patients who are suffering from this disease. I am pleased that U.T. M.D. Anderson's ambitious and vital program will have the funds necessary to help save lives and reduce health care costs.

H.R. 5010 also provides \$750,000 for the 147th Fighter Squadron of the U.S. Air Force's Texas Air National Guard, which will enhance chiropractic health care services on the campus of Texas Chiropractic College in Pasadena, Texas. This funding will allow the Moody Clinic at the Texas Chiropractic College and the 147th Fighter Squadron to provide the men and women of the Texas Air National Guards with the resources to help provide new diagnostic imaging assets and other tools that will enhance chiropractic, pain management, and related health care services. At a time when many of our military are facing increased stress in service to our nation, I believe that this is a much needed first step in both relieving some of their pain and advancing chiropractic medicine.

Mr. Chairman, as H.R. 5010 provides critical funding for these and other important and timely programs, I urge my colleagues to join me in supporting this measure, to support our Armed Forces in their efforts to fight terrorism at home and abroad, and to provide homeland defense and protection to keep America strong and freedom alive.

Mr. SIMMONS. Mr. Chairman, I rise in support of H.R. 5010, the Department of Defense Appropriations Act for Fiscal Year 2003 and I ask my colleagues to support this important legislation.

This year's annual defense appropriations bill is good for both America and for my home

state of Connecticut. This legislation provides the resources needed to fight the war on terrorism and build our nation's military infrastructure and readiness.

This legislation continues our efforts at transforming our military for the threats of the future. The bill contains \$4.1 billion for 23, F-22 fighter aircraft, each of which are powered by two F135 engines assembled by Pratt and Whitney in Middletown, Connecticut. The F-22 will ensure that the U.S. maintains air dominance in any conflict in the years ahead.

The bill also continues our efforts at having the Pentagon buy smarter and more efficiently through continued research and development of the Joint Strike Fighter, now designated the F-35 and powered by the Pratt and Whitney award-winning F-135 engine system. Variants of one aircraft, the F-35, will eventually replace four aircraft, the F-16, the A-10, and the AV-8B and F-18 C/D, bringing important cost savings not only in production but in the maintenance and operation over the life of each aircraft.

Building on our transformation to a more mobile force the bill approves \$3.7 billion to procure 12, C-17 Globemaster III transport aircraft; each of which are powered by four Pratt and Whitney F117 engines. The C-17 is the workhorse of getting our military to the fight and will be for years to come.

For our Army, this bill contains funds for 4 additional Black Hawk helicopters, built by Sikorsky in Connecticut, for a total of 31 aircraft. Our ground troops greatly benefit from the speed, reliability, and safety of this first-class helicopter.

For our Navy, this bill allocates \$1.49 billion for one new Virginia Class attack submarine and over \$1.03 billion for Trident Class submarine conversion. The Virginia Class and Trident conversion programs assure America's continual dominance of the seas well into the 21st century. Electric Boat, located in my district, has been manufacturing submarines for over a century. It manufactures the Virginia Class and designs much of the Trident conversion.

For these systems, the bill includes an additional \$7 million for research and development of new payloads and sensors for submarines, much of which will be done at Electric Boat, in Groton, Connecticut.

As every regional military commander will attest, our Navy is stretched thin, especially our submarine force. These investments will add significant capability to the commanders in the field at low cost and low risk to the taxpayer. We must do continue to invest more in our submarine force.

Finally, this bill again addresses the needs of our best asset in our military: our troops. The bill funds a 4.1 percent military pay raise and selected targeted pay raises to mid-grade and non-commissioned officers. It approves housing allowances to bring down military personnel's out-of-pocket housing expenses from 11.3 percent to 7.5 percent. For years much of the nation has taken the men and women in the military for granted. This brings needed relief to these gallant personnel.

This is just a partial list of the support this legislation gives our men and women in uniform. When we pass this bill we will be providing for the financial and housing needs of our servicemen and women, who stand ready to go into harm's way anywhere in the world to defend our nation and our interests. It also

allocates resources to continue our military's transformation to meet the challenges of tomorrow and it responds to the realities of the war on terrorism and sets us on course to meet the new challenges that unquestionably lie ahead.

When I came to Congress I pledged to do more to help Connecticut's defense industries and the men and women who work so hard 24 hours a day, seven days a week, to defend our nation. Looking at this legislation, I am pleased with what has been provided thus far and I look forward to building on these successes.

Mr. Chairman, this bill is a well-crafted bill to meet many of the needs of our military. I urge my colleagues to support the bill.

Mr. WATTS of Oklahoma. Mr. Chairman, I rise to explain why the United States Army needed to develop the Crusader Advanced Field Artillery System, and still very much needs the Crusader technologies for near future cannon artillery protection for our combat soldiers.

I stand here as the Congressman representing the U.S. Army Field Artillery Center at Fort Sill, Oklahoma. For decades, Fort Sill has been recognized as the Center for Excellence in field artillery for the United States, for NATO, in fact, for the world over. I champion Crusader because it is a superior weapon system that will equip our combat soldiers with the best field artillery system in the world—not the 9th best, behind China, Iran, North Korea and Russia. Crusader's leap-ahead mobility, lethality, and responsiveness is what our modern battlefield requirements dictate.

Countless news articles, speeches, testimony and letters emphasize that the U.S. Army has needed an advanced field artillery system for over a decade. The need for greater mobility in our self-propelled cannon howitzer became embarrassingly apparent during Desert Storm when our existing howitzers could not keep pace with the maneuver force.

Poor performance in Desert Storm accelerated the Army's planning for a major new artillery system that began in 1985. By mid-1993, the requirements for the advanced field artillery system and armored resupply vehicle were approved, and development commenced. In 1996, a major design change from a liquid propellant to a solid propellant for this system altered the development and deployment schedule.

Then came Governor George Bush's 1999 Citadel speech asserting that our heavy forces must be lighter. Shortly thereafter, Army Chief of Staff General Eric Shinseki directed that the Crusader howitzer become deployable as a system on a single C-17 sortie. That transformational forward-thinking General called it right. The Crusader team put the howitzer on a diet.

Lighter weight, more mobility was the upside of the trade off. The down side was a delay in deployment from FY2005 to FY2008.

Next, then Governor Bush debated Senator JOHN MCCAIN in New Hampshire and uttered the word "Crusader" when asked for an example of a weapon system a President Bush might terminate. But Governor Bush was talking about a 60-ton howitzer. By 2001, the Army requirements already incorporated the weight reduction to 40 tons.

Maybe President Bush and his staff zeroed in to kill a platform they thought was still too heavy at 60 tons. Maybe that is why the Defense Acquisition Executive, Undersecretary

Pete Aldridge, penned a memo to Secretary of Defense Rumsfeld urging a Crusader briefing for the President, actually calling it "Crusader II" as if to emphasize its transformation. Aldridge's memo stated:

"In response to the President's continued concern over Crusader, I have prepared the attached that could be used as a memorandum for the President or a talking paper for a personal discussion. As we have said before the current Crusader II is not the 60-ton Crusader of the past. . . . The paper is written to return to basics: Why we need artillery; what are the artillery characteristics desired; and, what is the best artillery option (Paladin or Crusader II). A side-by-side comparison of Paladin and Crusader II clearly shows the comparative advantage of Crusader II."

In the proposed memorandum to the President, the bottom line "Recommendation" stated:

"Proceed with the development of Crusader II. It has the firefighting features, to include lethality, deployability and mobility, we need. The alternative is to surrender the technological gains made in this program and defer the qualitative edge we require relative to potential adversaries well into the next decade. Crusader II is a success story well worth sustaining."

All the way through February, March and April, reports, testimony, and other statements from the Department of Defense, the Department of the Army, the General Accounting Office, etc. reflected support for Crusader.

Out of the blue, by early May, the Defense Department decided to voice opposition to the Crusader. Surprising many in Government, media and even in our military, Pentagon officials undertook a unilateral campaign to reverse years of Army testimony in support for a weapons system which I believe is vital to our combat soldiers in fighting and winning wars.

The Crusader meets the needs of the 21st Century and the mission of transformation of U.S. Army weaponry. As Secretary Aldridge's memo noted, Crusader is deployable as a system anywhere in the world on a single C-17. It is reliable and versatile, prepared to perform in many different climates with many different scenarios. Crusader's characteristics of survivability and lethality make it a weapon to be feared by enemies of freedom—a word dear to president Bush.

I will never know what exactly caused the about-face, change of heart at the Pentagon over Crusader. Earlier this month, some of my colleagues and I sent a letter to Defense Secretary Donald Rumsfeld requesting documentation on, among other issues, an Assessment of Alternatives that would justify the abrupt decision to cancel the Crusader system. I never received a written response to my request. Nor did I ever receive the documents I requested, even in a personal meeting I had with the Deputy Secretary of Defense. Perhaps those documents, which should exist, do not. Perhaps I will never know.

What I do know, however, is that our ground forces need a balance in weaponry. They need fire support that includes missiles, rockets, helicopters, aircraft, gunfire and cannons. No matter how modern the warfare, battles cannot be fought, nor won, using only computers.

With great prescience, our forefathers drafted the United States Constitution giving the

Congress the power "to raise and support armies." And, I am proud to say that the Congress, in its wisdom, has taken a different, and more studied approach to its decision-making on the Crusader.

For example, the House Armed Services Committee recommended, and the full House approved, full funding for FY 2003 for the Crusader Advanced Field Artillery System. This action included funding to complete the Assessment of Alternatives (AOA) study by which the Army normally determines how its new weapons system stacks up against predecessor and alternative systems.

The Senate just voted 93-3 to permit the Assessment of Alternatives study to proceed as well.

Today the House will vote on the recommendation of the House Appropriations Committee to take the logical next step. Acknowledging the last eight years of work, Costing roughly \$2 billion to develop the Crusader system, the House Appropriations Committee report emphasizes that the major technological advances achieved by the Crusader program must be retained. The report lists as examples of Crusader's technological advances: a liquid cooled cannon; ammunition auto loader mechanism; digital fire control and targeting computers; and a glass cockpit.

The Committee report recommends that Crusader's technical team and facilities be retained to further develop an organic indirect fire cannon artillery system. Accordingly, the House Appropriations Committee has recommended a total of \$368.5 million to provide for integrating cannon technologies with a suitable platform, and munitions, and to insure that such a system can be delivered not later than Fiscal Year 2008. Under the circumstances, the House Appropriations Committee has taken a good approach.

Remember, however, our combat soldiers continue to be at risk. We cannot afford any more delay in delivering them an advanced artillery system like Crusader. Therefore, as final action, the Congress must ensure that we provide the army with sufficient funding to deliver an indirect fire cannon and platform no later than FY 2008.

Before I close, I want to quote from a letter written by the former Commanding General of the Field Artillery Center at Fort Sill, Major General Leo J. Baxter (RET). General Baxter wrote:

"I have watched the development and maturity of many Army programs, none of which has matched the performance and capabilities of Crusader. Crusader is the answer for fire support in the future. It provides the close fire support necessary for our troops to maneuver on the battlefield. It also can provide the long-range precision fires enabled by Excalibur. Unlike air power, which certainly is important, Crusader will be available 24/7 and in all weather. The Defense Department has yet to specifically explain what new system will provide this support and then they will be ready. They simply are winging it and putting fighting men at risk."

In voting on the DOD Appropriations bill, including the provision on Crusader, you can rely on my words, or those of General Baxter. Or you can take your lead from the strong endorsements of over two dozen retired 4-Star Generals who bring to bear some 1,000 years of first-hand experience in the art of warfare. Many of the 4-Star Generals listed have sup-

ported Crusader in articles and letters, which I circulated earlier and place in the CONGRESSIONAL RECORD today. Many of these statements express grave concerns about the abrupt decision to cancel Crusader without first consulting with the Army leadership. In fact, the House Appropriations Committee Report expresses the same concern.

To a man, these Generals believe that the Army has waited too long already for robust advanced field artillery with Crusader's capabilities. These Army generals know best the battlefield requirements in any scenarios because they have fought and taken fire in many of them. Many of these Generals have personally witnessed the Crusader prototype, which has successfully fired over 6,500 rounds in Yuma, Arizona. I urge all of you to review these Generals' compelling statements.

Crusader's performance has earned support for full funding in the House-passed DOD Authorization bill, and FY2003 Appropriations for its next iteration deployable by FY2008.

I urge my colleagues to support the House authorization position and continued development of this technology on this critical artillery system.

Mr. GREEN of Texas. Mr. Chairman, I want to express my disappointment that the Appropriations Committee included \$94 million to fund the Department of the Navy's Military Sealift Command purchase of T-5 Tankers.

As I have stated to the Chairman and the Ranking Member of the Defense Appropriations Subcommittee, I believe the Military Sealift Command has not determined the actual cost of exercising their buyout option—particularly by underestimating the purchase costs of the ships and by not taking into account lease and other termination costs.

There is no cost penalty for waiting until future fiscal years to purchase these vessels, when the T-5 Tankers will be older and will have a lower residual value.

However, Mr. Chairman, I note that the Committee acknowledged the excellent operating history of the T-5 Tankers by conditioning any changes in operating contracts resulting from this new acquisition strategy on a certification to the Committee that the readiness and efficiency attained in the current operation of these tankers be maintained.

Knowing how the Committee operates, it would be my understanding that such certification to the Committee is not pro forma, but substantive, supported by facts and timely submitted before agreements are executed affecting T-5 Tanker operators or operating personnel responsible for meeting the Defense Energy Support center's military fuel resupply needs.

The current T-5 Tankers operator with this excellent record, Ocean Shipholdings, Inc.—a Texas-based company—has long expressed its hope that the Navy will extend the existing leases when they expire. At the time Ocean Shipholdings is willing to renegotiate its operating contract in a fashion which secures these ships under operating rates beneficial to the Navy.

The Congress has been struggling to find additional funding to procure advanced combatant vessels and auxiliary craft for the Navy mission; using current procurement funds to purchase aging vessel already under lease is not the best use of those funds. It will reduce the funds available to the Navy for new vessel construction.

Ocean Shipholdings designed and built these five unique and environmentally compliant double-hulled ocean going oil tankers. These U.S. flag T-5 Tankers were completed in 1985 and 1986, at which time they were purchased and then leased back by private sector leasing companies.

The T-5 Tankers were then Time Chartered to the Military Sealift Command for a term of 20 years to transport petroleum fuels globally to meet the requirements of the Defense Energy Support Center under the Defense Logistics Agency.

Ocean Shipholdings was awarded the prime contract to manage, operate and maintain the T-5 Tankers for the term of the 20-year Time Charters. This included crew, maintenance, insurance, drydocking and logistics support on a turnkey basis.

Under the operation of Ocean Shipholdings, the T-5 Tanker fleet has reliably moved clean petroleum products worldwide for the Navy over the last sixteen years in some of the most hostile ocean environments, including Antarctica and Arctic seaports.

Ocean Shipholdings has a perfect safety and environmental record in the operation of the T-5 fleet, has maintained all five ships in full operating status and continuous deployment for sixteen years, and has established comprehensive in-house protocols and contractual arrangements for oil pollution response.

During Operation Desert Storm, this Texas-based tanker operator ran the T-5s in the war zone effectively and continuously with U.S. citizen officers and crew.

Instead of using scarce resources for the purchase of these T-5 Tankers in this time of increasing burdens on U.S. military global operations, maintaining the current leases will ensure the continued efficient operation of these T-5 Tankers by Ocean Shipholdings—while meeting the Defense Energy Support Center's requirements for global movement of defense fuels.

Extending the ship leases and Ocean Shipholdings operating contract—at rates favorable to the Navy and taxpayers—are the most stable and prudent courses of action to meet the Navy's defense fuels needs over the next decade.

As this bill moves through conference committee, I hope my colleagues will insist that the Navy maintain the same level of readiness and efficiency already experienced in the operation of these tankers by retaining their relationship with Ocean Shipholdings.

Mr. SABO. Mr. Chairman, I rise in support of this bill, and want to thank Mr. LEWIS and Mr. MURTHA for their fine work, particularly on the provisions related to the Army Crusader artillery program.

The gentlemen have been fair and responsive to my concerns that the Administration acted hastily in recommending cancellation of the Crusader program.

I am also grateful for the hard work of the staff—especially Greg Dahlberg, Bill Gnacek, Kevin Roper, Paul Juola and Letitia White—who helped the Subcommittee sort through these complex issues and produce a good bill.

Mr. Chairman, over the past two months, I have become increasingly convinced that the administration is wrong in asking Congress to terminate Crusader. I believe there is too much risk.

No one can argue that U.S. Army artillery is seriously outdated. Crusader was on-track and

on budget to give us a fast, accurate, world-class artillery system to support and protect American soldiers in combat—by 2008.

Mr. Chairman, let me stress that date—2008. In military procurement terms, that is practically tomorrow. It puzzles me that we are at this point.

Clearly, we must maintain a robust heavy artillery development program. Therefore, I have pressed hard to ensure that this bill gives very clear direction to the Army regarding our intent for the follow-on artillery program.

For this challenging task, we give the Army a strict deadline and strong guidance to leverage the best elements of the Crusader program, the breakthrough technologies and the intellectual property, including the technical workforce, as they develop and field the next-generation heavy artillery system.

To underscore this point, I want to read from the bill:

Immediately upon termination of the Crusader Artillery System program, the Secretary of the Army shall enter into a contract to leverage technologies developed with funds invested in fiscal year 2002 and prior years under the Crusader Artillery System program . . . and other Army development programs in order to develop and field, by 2008, a Non-Line of Sight (NLOS) Objective Force artillery system and Resupply Vehicle variants of the Future Combat System.

I think I speak for many when I say that we will be watching their progress closely.

Mr. EDWARDS. Mr. Chairman, I rise today in support of the overall bill, which does a lot of good things for our service men and women and for our nation's defense.

I appreciate the good work of the Subcommittee Chairman, Mr. LEWIS and the Ranking Member, Mr. MURTHA in drafting this bill.

However, I have serious concerns over the Pentagon's cancellation of the Crusader artillery system—a decision that this bill ratifies.

We are blessed as a nation with soldiers who are willing to serve and sacrifice to defend our freedom. Our Army is the envy of the world. Our artillery, however, is not.

The Paladin artillery system, fielded today, is outgunned by at least 12 different countries, including all three countries in the Axis of Evil.

Remember, any war with Iran, Iraq or North Korea is going to be completely unlike Afghanistan. In each of these hypothetical conflicts, we will need heavy ground forces, just like the Gulf War, but we will face artillery systems superior to our own.

One of the Army's top priorities over the last decade has been to give our soldiers artillery support that is second to none, the Crusader, a program that has been on time and under budget.

On February 27, Deputy Secretary of Defense Paul Wolfowitz said:

I'm not one of those people who think that I can bet the farm on not needing artillery 10 years from now. And I think this [the Crusader] is the best artillery system available.

On February 28, the Army Chief of Staff, General Eric Shinseki, said:

Crusader's ability to keep up with ground maneuver forces, its longer range, its high rate of fire, its precision, would be a significant increase to the potential shortage of fire we have today.

Suddenly, in direct conflict with the President's Budget, the Pentagon reversed its unwavering support for Crusader and announced its cancellation.

The Administration has said they'll have alternatives in production by 2008. If that does not happen, the delay will put thousands of soldiers at undue risk.

Given the administration's commitment to cancel Crusader, I think the subcommittee leadership did its best to preserve funding for alternatives.

In conclusion, I believe the Pentagon think tank gurus have prematurely canceled Crusader. Canceling Crusader with nothing ready to take its place is putting the cart before the horse. However, I will work with them to get an effective alternative on line.

I hope those who killed the Crusader now feel an enormous responsibility to field a new artillery system by 2008. Delay in doing so could, God forbid, be measured in soldiers' lives lost in combat after 2008.

Mr. Chairman, I would finally like to include in the RECORD a statement by Congressman NORM DICKS and myself.

ADDITIONAL VIEWS OF HON. NORMAN D. DICKS  
AND HON. CHET EDWARDS

#### THE GAMBLE ON CRUSADER

The Administration's recent decision to terminate the Crusader artillery system is a decision fraught with risk. Risk that we hope will not end up costing soldier's lives.

The Crusader self-propelled howitzer has been under development for the last eight years. This program is running under budget and on schedule with fielding of the first new howitzer set for 2008. The Crusader has been considered by the Army to be its highest priority acquisition program, because it would rectify the one glaring operational weakness that endangers the Army's battlefield success—heavy artillery support.

Currently, our Army is outgunned in heavy artillery by at least 12 different countries (including all 3 countries in the so-called "Axis of Evil")—a situation the Crusader would rectify. It is estimated that as many as 40 countries could soon have artillery systems that out-range the Army's current howitzer—the Paladin—and that 28 countries are developing artillery-delivered high precision munitions to complement these systems. Clearly, most other countries around the world plan on making high performance heavy artillery a mainstay of their military force for some time to come.

Last month, the Administration took the highly unusual step of deciding to cancel the Crusader program in the middle of the budget cycle. This action was taken without consultation with the Army's military leadership, and over their strong substantive objection. This decision will fundamentally alter the role that U.S. heavy artillery will play in future battles, yet we have seen very little evidence of any serious analytical effort to support this radical departure from the Army's accepted doctrine.

The Administration has essentially made a giant strategic bet on behalf of our land forces that the combination of future advances in precision cannon and rocket munitions (as distinguished from precision bombs and missiles) combined with hoped for perfection of real time target identification and selection technology (based on ubiquitous "24/7" all weather surveillance capabilities) will supplant the need to replace the Army's outdated Paladin howitzer with a system that shoots farther and faster.

This decision depends upon unproven technology and unproven tactics—betting that more traditional lethality and combat overmatch capabilities can be replaced by precision and speed. It is a decision that—as the Army's vaunted "Crusader talking points" said—"could put soldier's lives at risk" if

the Department's hypothetical assumptions about how and where future wars will be fought turn out to be wrong.

What is somewhat puzzling to us in that the Army's artillery upgrade plan that the Secretary of Defense has now rejected calls for improvements in both areas—lethality and precision. The Army's Crusader plan that was devised in the last Administration and endorsed in the first two Bush Administration budgets called for fielding the new world-class Crusader howitzer by 2008 giving the U.S. Army an artillery system that is operationally and technologically superior to any artillery system in the world. The second part of the Army's plan was to perfect and field the GPS-guided Excalibur projectile to shoot from the Crusader within 3 to 5 years after the Crusader was in the force. The combination of Crusader and Excalibur would give the Army a truly devastating capability to support its soldiers—combining unprecedented accuracy with vastly superior rate of fire and range.

The Army had a prudent and affordable plan that recognized the possibility that developing precision-guided cannon projectiles and rocket systems is a difficult task that may end up falling short of expectations. Contrary to popular wisdom, precision-guided cannon and rocket systems are not perfected yet. Shooting sensitive high-tech precision guidance systems out of cannons exerts several hundred times the G-forces exerted on air-delivered precision-guided bombs and missiles such as JDAM or Tomahawk, and the cost that contractors propose charging to overcome these factors is very high at the current time. For instance, the Army's published plans call for paying \$222,000 per round for the first 9,417 Excalibur projectiles when and if they are perfected. This is 7 times greater than the Secretary of Defense' target price of \$33,000 per round, and many experts question whether this target price will ever be achieved. It seems the Army had a very prudent plan—both from a warfighting perspective and from a development and cost risk perspective—that the Secretary of Defense summarily and unilaterally rejected.

So what is the Army left with under the Administration's new plan? In essence, the Army will be left with the outdated Paladin howitzer that sits on a 40-year-old chassis design that has already been upgraded six different times. The Paladin of the future will continue to shoot standard 155mm ammunition at low rates of fire and at sub-standard ranges as well as the new Excalibur precision projectile if it can be perfected, if the Paladin chassis can be shown to withstand the additional forces generated by firing this new round.

Whether Excalibur works or not, the Administration now plans on keeping the Paladin in the force until 2032 when the Future Combat System will finally phase it out.

The Administration explains that the risk of keeping the Paladin is acceptable because the greater precision and range of Excalibur rounds and the projected availability of fire support systems such as Guided MLRS and air-delivered precision munitions can cover the existing indirect fire support shortfall. Aside from the issues of bad weather, responsiveness, and ability to support the close fight, this new plan discounts many of the traditional roles of artillery that depend upon volume of fire over accuracy—such as fire to suppress enemy attacks, and cover fire to protect friendly troop movements or to protect sectors of a battlefield. Rate of fire is completely discounted as a priority under the new plan.

It does not overstate the case to say that Army military leaders do not support this plan—they see too much risk. While the Administration points to skirmishes in Afghanistan to support its bet on precision, many of our military leaders worry about the potential major battles that could erupt in Korea or other theaters where mechanized forces will determine the outcome. A high level Defense Department official echoed these exact concerns just 3 months ago when discussing the Crusader:

“Unless we want to have no new artillery facing North Korea's artillery, we need something. We have to remember, it's not just a matter of fighting on horseback with satellites and B-52s as we did in Afghanistan. We still face Kim Jung-II in North Korea. We still face Saddam Hussein in Iraq. We face others who use conventional weapons and the question then becomes do you want to modernize those or do you not.—Dov Zakheim, Comptroller, Department of Defense. Comments on The News House With Jim Lehrer March 18, 2002.”

The Crusader decision also signals a troubling change of direction about how we will equip and fight our future force. Over the last several decades there has been a consensus that we should take maximum advantage of America's Scientific and technological strength to field military systems and devise military strategy and tactics to achieve decisive “combat overmatch” capabilities against any potential opponent. General Michael E. Ryan, former Air Force Chief of Staff, succinctly summed up the combat overmatch philosophy as follows: “I'm not interested in fair fights. What I'm interested in is a 100 to nothing score, not 51-49.”

This philosophy has proven its worth—not only does it save American lives on the battlefield, but it is an effective way to win the peace. Our vastly superior military capabilities cause potential adversaries to think twice before confronting us or our allies militarily, which contributes significantly to world peace and stability. This was not always the case, and we must continue to work at keeping this edge.

Of all the military services, it is perhaps most important for the Army to continue

with the philosophy of “combat overmatch” through superior technology. Unlike the Air Force and the Navy, we have a small Army compared to other countries. Currently, eight other armies in the world outnumber our Army. We make up for this with superior people, superior leadership, and superior technology, but numbers still matter if we let our technological edge slip.

It is disturbing that the Defense Department seems willing to rest on the laurels of past administrations and go back to a philosophy of “just enough.” The Crusader would provide US military personnel with the best technology in the world that meets a known deficiency of a military service that American industry has shown it can deliver on time and on budget. The Crusader system is a state-of-the-art heavy artillery system that has already produced 7 new patents from its new technology. Over 6,000 test rounds have already been fired and the system is meeting or exceeding range, rate-of-fire, and reliability requirements by all accounts.

It is simply hard to understand why a system that meets the biggest Army warfighting deficiency is being scrapped.

If the President persists in demanding the termination of the Crusader, the weaknesses of the outdated Paladin (with or without the Excalibur projectile) make it imperative that we expedite the development and fielding of the Objective Force next generation artillery system. American soldiers do not deserve to continue to endure the risks of substandard artillery support. This deficiency must be eliminated as quickly as possible.

We therefore support the Committee position of adding \$173 million to the \$195 million budget request for development of the Objective Force artillery system in order to field a new system by 2008. This would accelerate the Army's old schedule by four to six years. This acceleration is possible only if the Army uses the existing Crusader engineering team and leverages the technology advances garnered with the Army's \$2 billion investment that has already been spent on Crusader development.

Following are some of the detailed answers received from DOD to our specific questions on the Crusader that have been raised in the course of this debate.

1. How does the Crusader compare to other top foreign systems? Why don't we simply buy one of those systems?

A comparison of the most advanced artillery systems in the global marketplace available to our allies shows why the Army believes the Crusader is a superior artillery system. The Crusader delivers more firepower, is more mobile, protects its crew better, weighs less, uses fewer crewmembers, and is the only system that can be fully networked on the battlefield.

#### COMPARISON OF MODERN SELF-PROPELLED HOWITZERS

	Crusader (U.S.)*	Paladin (U.S.)	G6 (S. Africa)	AS90 (U.K.)	Pzh2000 (Germany)
Max Range (km)*	40	30	30	37.4	37.4
Max Rate of Fire*	10 to 12/Minute. Indefinitely.	4/minute for 3	3/minute	6/minute for 3	6-8 minute for 3
Crew Size (howitzer + resupply veh).	3 + 3	4 + 4	6+resupply crew	5+resupply crew	5+resupply crew
Curb Wt. (ton)	40	27	52	46.3	54+
Combat Wt. (ton)	40	32	55.6	50.7	60.3
Horsepower	1500	440	520	660	991
Projectile Qty	48	39	45	58	60
Accuracy	96m @ 30km	232m@30km	Unknown	246m@30km	200m@km
Simultaneous rounds on target (MRSI Capability)	4-10 rounds	N/A	Unknown	Unknown	2-6 rounds
Highway speed (km/hr)*	67	60	85	52	62.5
X-Country Speed (km/hr)*	48	27	30	25	45
NBC Macro Protection	Yes	No	No	No	No
Resupply Vehicle	Yes/Automated	Yes/Manual	No	No	No
U.S. Command & Control	Yes	Yes/Not All	No	No	No

Notes:

\* G6 is a South African howitzer, AS90 is from the United Kingdom, and Pzh2000 is German.

2\* indicates a key performance parameter (KPP). An additional KPP is the ability to automatically transfer 48 rounds from the resupply vehicle to the howitzer within 10.4 minutes, including maneuver time to link the vehicles—no other system can meet this requirement.

3 CEP is circular error probability.

4 MRSI is multiple round simultaneous impact capability.

5 NBC is nuclear (radiological) biological, and chemical warfare crew protection.

Maximum Rate of Fire is at all deflections and quadrants using all projectile and fuse combinations.

## 2. How Much Does Crusader Cost?

A two-vehicle Crusader system (howitzer and resupply vehicle) could be procured for about \$10.01 million (recurring production costs, FY 01 constant dollars) which is about 70% of the cost of one Army Blackhawk helicopter. In budget terms, the total procurement cost of \$7 billion for 480 systems (another \$4 billion is for development) is substantial in and of itself, but in terms of the total Defense budget the Army's planned average appropriation level of about \$1 billion per year represents about one percent of the Army's annual budget, and about 3 tenths of one percent of the annual Defense Department budget. The total cost of the entire Crusader procurement is less than one year's worth of research for the missile defense program.

## 3. How much are the new Excalibur and guided MLRS munitions expected to cost, and how does that compare to standard 155mm ammunition?

Excalibur. The latest February 12, 2002 Army estimate pegged the future Excalibur program acquisition cost for the first 9,417 unitary projectiles at \$222,000 per round, or a total cost of \$2.1 billion. The Army could purchase nearly half of the entire Crusader fleet (209 out of 480 systems) for the cost of the first 10,000 rounds of Excalibur ammunition. The Administration's target unit cost for Excalibur unitary is \$33,000 per round for 200,000 rounds, a seven-fold decrease compared to the current price, for a total cost of \$6.6 billion. In addition, the Administration plans on buying an additional 40,264 Excalibur senior-fused (infra-red sensing skeet bomblets) projectiles at \$96,000 per round, for a total cost of \$3.9 billion. The past Army track record in precision/smart munitions programs (SADARM, MSTAR, BAT, WAM, Copperhead) does not support this cost reduction assumption. But assuming the Army can attain these "best cost" estimates the cost of the first 200,000 rounds of Excalibur unitary and 40,000 rounds of Excalibur sensor-fused projectiles would cost \$10.5 billion, more than one and half times the total cost of the Crusader procurement (\$7 billion). If the \$33,000 "best cost" estimate for Excalibur unitary cannot be reached and the price can be reduced by only 50% to say, \$100,000 per round, the total cost for Excalibur unitary projectiles sky-rockets to over \$20 billion in order to attain the Army's initial 200,000-unit inventory objective. In any case, it would require annual appropriations of well over \$1 billion per year in order to finance the Excalibur production rate efficiencies used as the basis for the target cost estimate—something that is unprecedented for one type of round of Army ammunition. It is also expected that the Army Excalibur inventory objective over time would increase well above 200,000 units.

Guided MLRS. The latest Army estimates peg the expected cost of Guided MLRS unitary rockets at \$65,000 per unit. Assuming that the Army would fire a minimum of two rockets per target, the cheapest "kill" cost for a truck or a tank using guided MLRS would be \$130,000. Each salvo of 12 MLRS rockets would cost \$780,000 for unitary warheads (equivalent to the cost of 3,250 155mm projectiles).

Non-precision 155mm HE ammunition. The Army's most recent purchase of M107 HE 155mm projectiles was \$240 per round for 155,000 rounds. M795 HE rounds are estimated to cost between \$500 and \$770 per round.

Inventory. The Army has an inventory of over 4.2 million 155mm HE rounds already

paid for. There are no Excalibur projectiles or Guided MLRS rockets in the current inventory.

## 4. The Army has the best tank, the best infantry fighting vehicle, and the best attack helicopter in the world. Why has the Army operated so long with an inferior heavy artillery system?

During the late 1970's and 1980's the Army introduced new families of fighting systems that included the Abrams tank, Bradley fighting vehicle, air defense systems and helicopters such as Apache and Blackhawk. Due to fiscal constraints and diverging priorities in the mid 80's, the field artillery was forced to skip a generation of cannon modernization.

During that time period, the Army developed the Multiple Launch Rocket System (MLRS) to satisfy its deficiency in deep attack and Paladin was developed as an interim solution for its cannon deficiencies. Consequently, Paladin was a simple product improvement to the old M 109 that lacked mobility, lethality, and survivability. Because if the limitations of the chassis, Paladin lacks the potential or significant product improvement.

## 5. Can indirect cannon fire support missions be accomplished by greater investment in other systems—aircraft, missiles, and rockets?

U.S. ground forces have traditionally required a mix of rocket, missile and cannon systems to meet their fire support requirements. Cannons have historically provided close support to the maneuver arms on a 24-hour all weather basis. Although the unique characteristics that made cannon systems ideal for this mission are becoming less distinct as the capabilities of precision and smart munitions are improved, several distinct characteristics are likely to remain.

Flexibility and responsiveness. Flexibility and responsiveness are probably the cannon's hallmark. The close combat environment demands the ability to rapidly accommodate change. Cannon systems are more responsive to rapidly changing battle conditions because they carry a readily available quantity and variety of munitions and can rapidly change from one type of munition to another as required. Cannons reload by individual rounds vice pods for rockets/missiles. Rocket/missile pods can only accommodate one type of munition at a time. Often, the type of rocket/missile pod loaded may not be the optimum munition required for the specific target. Fires and effects coordinators then face what can be a dilemma. They must either search for launchers loaded with the correct munition, fire the launcher loaded with the less than optimum munition, or direct reload. Launcher reload operations can take approximately 7–20 minutes, making them less than ideal in a time critical situation. Aircraft carry limited amounts and types of munitions and must land to reconfigure or replenish their load. Aircraft reload cycles are generally much longer than missile and rocket systems. Army data indicated that a Crusader battalion could provide 130 tons of munitions in one hour, and 900 rounds in close support before the first aircraft sorties arrives on station.

Continuous Fires. Cannon systems are more capable of providing continuous fires (fires without gaps over a period of time) than are rocket/missile launchers and aircraft. With an actively cooled cannon, and fully automated rearm and resupply provided by Crusader resupply vehicles, the capability to provide continuous fires is greatly en-

hanced. Cannons have the capability to shift from target to target quickly—a matter of seconds in many cases. While launches do well in providing massed fires, there can often experience unacceptable gaps for reloading operation in sustaining fires.

Employment in Proximity to Friendly Forces. Providing fires in close proximity to friendly forces is an essential fire support task in the close fight. The minimum safe distance as measured by bursting radius is considerably smaller for cannons compared to existing rocket/missile systems. Final protective fires and "danger close" missions end up placing fires extremely close to friendly forces. The smaller bursting radius of cannon munitions enables the "echelonment of fires" whereby the infantry uses a succession of cannon and mortar systems interchangeably to maximize the coverage of fires until they must be shifted or lifted. Close fires require accuracy, responsiveness, timely delivery, and "controlled" (or limited) effects (burst radius), to reduce risk to supported forces. Cannon artillery can be employed much closer to our forces and is an absolute necessity in the close support role since it can be employed in all weather, in all terrain, day or night. Weather can severely hamper close air support. For instance, during the Kosovo air campaign, 56% of sorties were aborted due to weather. Of those sorties executed, 33% were adversely affected by weather, resulting in less than half of the targets being effectively engaged.

Sustainability. According to the Army, the logistical footprint for cannons is generally smaller than for rocket/missile launchers based on ammunition weight and cube size.

Cost of Munitions. Cannon munitions have historically been less expensive than rockets or missiles on a per-unit cost basis, and they provide a larger family of munitions to select from to deal with battlefield dynamics. Compared to the expected range of cost for new precision guided cannon and rocket munitions, the cost per round of non-precision 155mm cannon projectiles is cheaper on the order of 140–925 to one (see #3 above).

## 6. Will there be a void in indirect fire support without Crusader?

Possibly. According to the requirement that was developed by the Army and approved by the Joint Requirements Council of the Joint Chiefs of Staff, the Paladin was judged to be not mobile enough to keep up with our mechanized force in a maneuver-dominated fight. The Army is also concerned that the Paladin's range and rate-of-fire limitations prevent it from providing the required counter-fire "umbrella" for our forces. In addition to the significant increase in mobility, range, and rate-of-fire, Crusader provides the responsive, continuous fires and mobility required for fast moving close combat operations. Its automated ammunition handling and resupply system combined with an actively cooled cannon provide accurate sustained fires where needed in the required volume. Crusader interoperability with Joint and all Army command and control networks assures that effects are delivered when needed; providing direct link capability to any platform on the battlefield.

## 7. How old is Paladin and how much longer would it need to be in the force if Crusader is canceled? Can Paladin be upgraded to meet many of the Crusader requirements?

The M109 series howitzer design began in the mid-1950s and entered service in 1961. Paladin is the sixth modification to the M109 design—no Paladins are new howitzers.

While maintaining virtually the same chassis, engine, transmission, and basic suspension, the Paladin's weight has grown by one third from 24 tons to 32 tons. The armament system has grown from a 24 caliber cannon with a range of 14 kilometers to a 39 caliber cannon with a range of 30 kilometers.

The Crusader was planned to remain in the force beyond 2032. If Crusader is not available and the M109 series howitzer must be continued in its place, it is probable that it too would be in the field in 2032. This would mean that the M109 series howitzer would be in the field 70 years after it initially entered service. The soldiers in 2030 could be fighting with the same howitzer used by their great grandfathers.

The Army evaluated the prospect of improving Paladin during the Cost and Operational Effectiveness Analysis completed for Crusader's Milestone 1 decision and the Congressional report delivered in December 2000. The analysis shows that to attain Crusader's rate-of-fire (10–12 RPM), cross country mobility (39–48 KPH) and firing range (40–50 KM), Paladin would require an automated ammunition handling system, increased horsepower, improved suspension, and a cooled 56 caliber cannon. Paladin lacks sufficient growth capacity in the chassis to allow these improvements. To strengthen the chassis to withstand these stresses would require replacing or significant design changes in the hull structure, hydraulics, engine, transmission and suspension sub-systems.

8. Is Crusader rate of fire oversold because it can't be resupplied at high enough rates? What is the logistical plan to resupply Crusader during maximum rates of fire?

Ammunition resupply has been an issue that has plagued artillerymen for years. Because Crusader has a fully automated resupply system, it allows a 300% improvement in resupply operations. The key to successfully achieving this new resupply requirement will be the fielding of fully automated resupply vehicles (RSVs) that can rearm a Crusader howitzer with 48 rounds and refuel it in 10 minutes—a 50% improvement. One technique employs two resupply vehicles (RSV's) per howitzer battery in the vicinity of the firing area to conduct rearming and refueling, two RSVs in hide areas with full loads of ammunition, and two RSVs uploading at the Logistics Resupply Point. Other methods may be employed, depending on the individual tactical situation, and considerations of distances that have to be traveled between the locations. The introduction of the wheeled RSV gives the commander enhanced flexibility to conduct resupply operations depending on the threat. For example, when facing a high counter fire threat, the commander could deploy the tracked resupply vehicles forward providing maximum protection for the crew while using the wheeled vehicles to upload and transport ammunition in the less vulnerable rear positions and transfer the ammunition to the tracked carriers. In a low counter fire threat, the commander could also deploy the wheeled vehicles forward maximizing through put of ammunition. The automatic resupply and cannon autoloader capability is a major technological leap forward for the Army, which has never had this capability before.

9. What force structure was sacrificed in anticipation of fielding Crusader? Will structure be added back if Crusader is terminated? What will that cost?

In anticipation of the increased firepower and productivity of the Crusader system, the Army reduced force structure in both maneuver and fire support units by 25 percent in the mid-1990s. The Army reduced Paladin and all other cannon battalions from three batteries of eight howitzers (3x8) to three batteries of six howitzers (3x6). MLRS bat-

talions were also reduced to 3 batteries of 6 launchers each (down from 8 or 9 launchers each), at the same time, Army tactics were changed to take full advantage of the speed of its tanks, Bradley fighting vehicles the Crusader, and other situation awareness capabilities, increasing the planned battle space for Army forces by over 200 percent. Termination of the Crusader will necessitate a reexamination of Army force structure, tactics, techniques, and procedures.

10. What are remaining development and cost risks of the Crusader?

The Army has testified that it rates the Crusader program a moderate to low risk for technical performance, cost, and schedule. The software build for Crusader is on schedule and within cost estimates. The range and rate-of-fire key performance parameters are being demonstrated with the first prototype vehicle at Yuma Proving Grounds and the resupply and mobility are on schedule for demonstration in 2002. Over 6,000 test firings have shown the Crusader to be 142% more accurate to date than Paladin. Accuracy improvements come from: A new projectile tracking system that removes meteorological errors; Precision pointing with electric drives; thermal management; Muzzle velocity management; On-board projectile weighting; and Inertial reference unit coupled to GPS to null out position errors.

The program has been focusing significant effort on building the reliability of the system in order to remove soldiers from the technical and manual operational aspect of fighting a weapon system.

11. How much does the Crusader weigh and what can carry it?

The Crusader howitzer was redesigned several years ago to reduce its weight from 60 tons to 40 tons. Under the Army's current plan, Crusader artillery would be either prepositioned or moved by sea as part of a counterattack corps. If needed, Crusader systems could be airlifted on C-17 or C-5B aircraft. Deployments by airlift would most likely entail a battery of 3 Crusader systems to meet special contingencies. Crusader airlift ranges would be:

#### Nautical Miles

C-17:		
	2 howitzers (84 tons) .....	2,276
	1 howitzer and 1 resupply vehicle	
	(w) (73 tons) .....	2,782
C-5B:		
	2 howitzers (84 tons) .....	3,200
	1 howitzer and 1 resupply vehicle	
	(w) (73 tons) .....	3,500

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 5010, the Defense Appropriations Act for Fiscal Year 2003. This piece of legislation is perhaps the most important component of our wartime budget for America. It is the first bill we are considering pursuant to the 302(b) allocations filed by the Appropriations Committee on June 24. I am happy to report that it is consistent with the levels established in H. Con. Res. 353, the House concurrent resolution on the budget for fiscal year 2003, which we subsequently deemed as having the effect of a conference report on the resolution. The budget resolution provided \$393.8 billion in budget authority for national defense, including \$10 billion for a war reserve fund. This bill funds the bulk of that commitment. The rest is funded in separate military construction and energy and water appropriations bills.

H.R. 5010 provides \$354.446 billion in new discretionary budget authority, which is \$1 million less than the 302(b) allocation to the House Appropriations Subcommittee on Defense. Outlays of \$345.328 billion are \$782 million below the subcommittee's allocation.

The bill contains no emergency-designated new budget authority, but does include \$1.9 billion worth of BA savings including \$945 million in Working Capital Revolving Fund reductions, \$615 million in foreign currency savings and \$195 million worth of rescissions of previously enacted BA.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

This bill represents the House's unwavering commitment to win the war against terrorism. But in addition to combating terrorism, H.R. 5010 follows the blueprint set forth in the resolution to give every service member a 4.1-percent pay raise, increased housing allowances, and incentive pay.

Finally, section 201 of the budget resolution provided for a \$10-billion reserve fund to continue military operations in fiscal year 2003. The Appropriations Committee has advised that it will deal with the war reserve fund when the Pentagon provides more budgetary detail about how it plans to spend the \$10 billion.

In conclusion, I express my support for H.R. 5010 and yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support for H.R. 5010, the Defense appropriations bill for FY 2003. This Member would like to offer particular thanks to the Chairman of the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from California (Mr. LEWIS) and the Ranking Minority Member on the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from Pennsylvania (Mr. MURTHA) for their work on this important bill.

This Member sincerely thanks the Committee on Appropriations for including \$2.75 million in fiscal year 2003 for the Air National Guard's Project ALERT. Currently, Project ALERT serves as an on-line training tool developed and used by the Nebraska National Guard in collaboration with the Department of Defense, the National Guard Bureau, the University of Nebraska, and Nebraska Educational Television. The \$2.75 million appropriated in H.R. 5010 will assist with the development of the new courses and the modification of existing courses.

Indeed, the implications of Project ALERT extend nationwide and to components of both the active and reserve military forces. Allowing military forces to complete some training courses on their own time, as Project ALERT does, provides an opportunity to cut on-site training costs and time and to maximize exercise time. For the U.S. military to meet the challenges it will face during the current war on terrorism and throughout the 21st Century, it is crucial that Congress invest in innovative and flexible training tools such as Project ALERT.

Furthermore, this Member is very appreciative that the Committee has approved the appropriation of \$4 million for a bioprocessing facility at the University of Nebraska-Lincoln, giving (UNL).

These funds will be used for the third phase of the project to establish and validate a current Good Manufacturing Practices (cGMP) processing facility with the capability to make vaccines as therapeutic countermeasures against biological warfare agents. Two cGMP



pilot plants, one dedicated to yeast/bacterial culture and the other dedicated to mammalian cell culture will be built within the new Chemical Engineering building on the UNL campus. The funds will be used to build and equip the laboratories.

This will be a commercial-grade facility, giving UNL the capability, if required by the Department of Defense (DoD), to make vaccines against biological warfare agents and products that can be used as therapeutic countermeasures to treat people who have been exposed to biological agents. UNL is currently doing this on a smaller level and is well suited to pursue this expansion. These facilities certainly will enhance our nation's ability to respond to biological warfare.

In closing, Mr. Chairman, this Member urges his colleagues to support H.R. 5010.

Mr. CALVERT. Mr. Chairman, I rise today in strong support of the Defense Appropriations Act for Fiscal Year 2003. This bill provides our armed forces with the resources to fight terrorism and strengthens military quality of life, readiness, infrastructure and modernization programs. I would like to commend Chairman LEWIS, Ranking Member MURTHA and their staffs for their bipartisan work in putting this bill together.

The bill also includes funding for 12 new C-17 airlifters along with other acquisitions and improvements for our cargo and tanker fleet. Combat forces cannot fight, peacekeepers cannot keep the peace and humanitarian aid cannot be distributed without an effective, rapid global mobility force. Continuing to build up our cargo and tanker fleet will help ensure that the United States military can continue to effectively deliver both guns and butter anytime, anyplace.

Mr. GARY G. MILLER of California. Mr. Chairman, I wish to thank the distinguished Chairman of the Defense Appropriations Subcommittee, Congressman LEWIS, and Full Committee Chairman YOUNG for the incredible amount of work they and their Committees have put into this bill. The American people deserve a bill that provides for the defense of our nation and this bill puts us well on the way to a fully restored and invigorated military.

Earlier this year it came to my attention that across the Armed Services, Tuition Assistance funds had been exhausted for Fiscal Year 2002. As many Members know, the Tuition Assistance Program, commonly referred to as TA, provides soldiers, sailors, airmen, and marines the opportunity to construct an educational plan and have up to 75 percent of their tuition paid by their branch of service for amounts up to \$3,500 per year. It's an extremely popular program and a great opportunity for our men and women in uniform to pursue a degree while serving their country. Unfortunately, instead of having this educational benefit available to them, our service members are confronted with a budget shortfall for 2002.

These men and women have put their lives on hold to serve their country; our nation should never put their educational plans on hold because of the exhaustion of TA dollars. That's why I am especially thankful to Chairman YOUNG, Chairman LEWIS, and their staffs for taking a close look at this program, which seeks to give our men and women in uniform greater access to higher education and eventually the dream of obtaining a college degree.

This bill includes a substantial increase in Tuition Assistance dollars—over \$90 million in

all. That's a twenty-five percent increase for this important program. So again, I thank the gentleman from California for bringing a bill to the floor that fully funds the President's request for Tuition Assistance and allows our service members the full measure of their educational benefits.

Mr. STARK. Mr. Chairman, I rise in opposition to the Defense Appropriation Act for FY 2003. This bill is full of all the usual pork.

On September 11, we were tragically shown how easy it is to defeat conventional defenses and deliver a weapon of mass destruction anywhere in the United States. This bill calls for spending billions on programs that don't directly respond to this basic security concern. In fact, most of this money will do nothing to help defend our country from terrorism or stop terrorist elements overseas.

We have now wasted over \$100 billion on several different versions of a national missile defense system. If we continue to spend at this level for the next ten years, we will spend more than \$200 billion. Why would anyone spend billions developing ICBMs when it would be far more cost effective and technologically feasible to put it on a boat, a plane, or in a cargo container?

We also are going to spend \$7.6 billion on two advanced strike fighters designed to combat advanced tactical aircraft and penetrate enemy countries with integrated air defense systems. Yet, we are more threatened by those with the capability of building bombs in their basements than our most sophisticated adversaries, all of whom don't even possess these specialized air defenses. Will these multi-million dollar fighter planes help us? No. But, we are going to throw billions of dollars after these defense contractors anyway.

Finally, when the Administration decided to cancel the \$11 billion Crusader mobile howitzer, the Republican Leadership refused to consider my amendment supporting the Administration's decision. Later when they saw the wisdom of cutting this program to put toward current homeland security needs, they still left a few hundred million in an account to continue to fund an identical artillery system. Why? To give more pork to our poor defense contractors.

It is time this Congress realizes: more money for unneeded and outdated programs will not improve our national security. We need to be wise in our defense spending. That is why I oppose this bill and urge my colleagues to vote against it.

Mr. BLUMENAUER. Mr. Chairman, I intend to support this bill before us today, but I have grave reservations about several of its provisions.

This bill spends \$354.7 billion, \$33.7 billion more than the current level. \$7.4 billion of that is for the misguided missile defense system, which costs too much and is not in the best interest of the country. At this critical time in our nation's struggle against terrorism, we must spend our resources wisely on America's most immediate defense needs. Missile defense is not among them.

There are a few broader dimensions in this bill that are encouraging to me. The bill provides no funds for the outmoded Crusader mobile howitzer, a weapons system designed for a war from an age long past. I was pleased to see that the bill fully funds the President's request for the Defense Environmental Restoration Account.

I especially appreciate the emerging recognition by the Subcommittee of the importance of addressing the problem of unexploded ordnance (UXO), the bombs and shells that did not go off as intended and subsequently litter the landscape. I am pleased to be working with the Subcommittee leadership on this issue. We have made a step in the right direction toward getting the federal government to clean up after itself and be a good steward of the land. As we continue to consider defense appropriations funding as the year progresses, I hope that we will be able to address the critical needs for UXO research & development and cleanup.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5010

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for military functions administered by the Department of Defense, and for other purposes, namely:

#### TITLE I

##### MILITARY PERSONNEL

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 115, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. KUCINICH. Mr. Chairman, I reserve the right to object. Mr. Chairman, if I can have an inquiry of the gentleman from Pennsylvania.

Mr. MURTHA. This just opens the bill up.

Mr. KUCINICH. A number of Members have amendments that might be relevant earlier in the bill. I just wondered, Will this open the process up to amendments at any point?

Mr. MURTHA. That is right.

Mr. KUCINICH. So all of our amendments, then, would have a chance to be brought forward. I thank the gentleman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the bill through page 115, line 16, is as follows:



## MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$26,832,217,000.

## MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$21,874,395,000.

## MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$8,504,172,000.

## MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$21,957,757,000.

## RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,373,455,000.

## RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve

training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,897,352,000.

## RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$553,983,000.

## RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,236,904,000.

## NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$5,070,188,000.

## NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,124,411,000.

## TITLE II

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$10,818,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the

Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$23,942,768,000: *Provided*, That of the funds appropriated in this paragraph, not less than \$355,000,000 shall be made available only for conventional ammunition care and maintenance.

## OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$4,415,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$29,121,836,000.

## OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$3,579,359,000.

## OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,902,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$27,587,959,000: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, \$750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training: *Provided further*, That of the amount provided under this heading, not less than \$2,000,000 shall be obligated for the deployment of Air Force active and Reserve aircrews that perform combat search and rescue operations to operate and evaluate the United Kingdom's Royal Air Force EH-101 helicopter, to receive training using that helicopter, and to exchange operational techniques and procedures regarding that helicopter.

OPERATION AND MAINTENANCE, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$14,850,377,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$34,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, \$750,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$4,675,000, to remain available until expended, is available

only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY  
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,976,710,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,239,309,000.

OPERATION AND MAINTENANCE, MARINE CORPS  
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$189,532,000.

OPERATION AND MAINTENANCE, AIR FORCE  
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,165,604,000.

OPERATION AND MAINTENANCE, ARMY  
NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$4,231,967,000.

OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD

For operation and maintenance of the Air National Guard, including medical and hos-

pital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$4,113,010,000.

UNITED STATES COURT OF APPEALS FOR THE  
ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$9,614,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$395,900,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$256,948,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$389,773,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the

funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$23,498,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY  
USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$212,102,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND  
CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), \$58,400,000, to remain available until September 30, 2004.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$416,700,000, to remain available until September 30, 2005.

SUPPORT FOR INTERNATIONAL SPORTING  
COMPETITIONS, DEFENSE

For logistical and security support for international sporting competitions (including pay and non-travel related allowances

only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), \$19,000,000, to remain available until expended.

### TITLE III PROCUREMENT

#### AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,214,369,000, to remain available for obligation until September 30, 2005, of which not less than \$225,675,000 shall be available for the Army National Guard and Army Reserve: *Provided*, That of the funds made available under this heading, \$45,000,000 shall be available only to support a restructured CH-47F helicopter upgrade program that increases the production rate to 48 helicopters per fiscal year by fiscal year 2005: *Provided further*, That funds in the immediately preceding proviso shall not be made available until the Secretary of the Army has certified to the congressional defense committees that the Army intends to budget for the upgrade of the entire CH-47 fleet that is planned to be part of the Objective Force.

#### MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,112,772,000, to remain available for obligation until September 30, 2005, of which not less than \$168,580,000 shall be available for the Army National Guard and Army Reserve.

#### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,248,358,000, to remain available for obligation until September 30, 2005, of which not less than \$40,849,000 shall be available for the Army National Guard and Army Reserve.

#### PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,207,560,000, to remain available for obligation until September 30, 2005, of which not less than \$124,716,000 shall be available for the Army National Guard and Army Reserve.

#### OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 40 passenger motor vehicles for replacement only; and the purchase of 6 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$6,017,380,000, to remain available for obligation until September 30, 2005, of which not less than \$1,129,578,000 shall be available for the Army National Guard and Army Reserve.

#### AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$8,682,655,000, to remain available for obligation until September 30, 2005, of which not less than \$19,644,000 shall be available for the Navy Reserve and Marine Corps Reserve.

#### WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$2,384,617,000, to remain available for obligation until September 30, 2005.

#### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,167,130,000, to remain available for obligation until September 30, 2005, of which not less than \$18,162,000 shall be for the Navy Reserve and Marine Corps Reserve.

#### SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (CY), \$250,000,000;  
Carrier Replacement Program (AP-CY), \$243,703,000;  
Virginia Class Submarine, \$1,490,652,000;  
Virginia Class Submarine (AP-CY), \$706,309,000;  
SSGN Conversion, \$404,305,000;  
SSGN Conversion (AP-CY), \$421,000,000;  
CVN Refueling Overhauls (AP-CY), \$296,781,000;  
Submarine Refueling Overhauls, \$231,292,000;  
Submarine Refueling Overhauls (AP-CY), \$88,257,000;  
DDG-51, \$2,273,002,000;  
DDG-51 (AP-CY), \$74,000,000;  
LPD-17, \$596,492,000;  
LPD-17 (AP-CY), \$8,000,000;  
LCU (X), \$9,756,000;  
Outfitting, \$300,608,000;  
LCAC SLEP, \$81,638,000;  
Mine Hunter SWATH, \$7,000,000; and  
Completion of Prior Year Shipbuilding Programs, \$644,899,000;

In all: \$8,127,694,000, to remain available for obligation until September 30, 2007: *Provided*, That additional obligations may be incurred after September 30, 2007, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

#### OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion);

the purchase of not to exceed 141 passenger motor vehicles for replacement only, and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$240,000 per unit for one unit and not to exceed \$125,000 per unit for the remaining two units; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$4,631,299,000, to remain available for obligation until September 30, 2005, of which not less than \$19,869,000 shall be for the Naval Reserve.

#### PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 28 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,369,383,000, to remain available for obligation until September 30, 2005, of which not less than \$253,724,000 shall be available for the Marine Corps Reserve.

#### AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$12,492,730,000, to remain available for obligation until September 30, 2005, of which not less than \$312,700,000 shall be available for the Air National Guard and Air Force Reserve: *Provided*, That of the amount provided under this heading, not less than \$207,000,000 shall be used only for the producibility improvement program directly related to the F-22 aircraft program: *Provided further*, That amounts provided under this heading shall be used for the advance procurement of 15 C-17 aircraft.

#### MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents

and transportation of things, \$3,185,439,000, to remain available for obligation until September 30, 2005.

#### PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,290,764,000, to remain available for obligation until September 30, 2005, of which not less than \$120,200,000 shall be available for the Air National Guard and Air Force Reserve.

#### OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 263 passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$232,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$10,622,660,000, to remain available for obligation until September 30, 2005, of which not less than \$167,600,000 shall be available for the Air National Guard and Air Force Reserve.

#### PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 99 passenger motor vehicles for replacement only; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$3,457,405,000, to remain available for obligation until September 30, 2005: *Provided*, That funds provided under this heading for Patriot Advanced Capability-3 (PAC-3) missiles may be used for procurement of critical parts for PAC-3 missiles to support production of such missiles in future fiscal years.

#### DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$73,057,000 to remain available until expended.

#### TITLE IV

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$7,447,160,000, to remain available for obligation until September 30, 2004.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$13,562,218,000, to remain available for obligation until September 30, 2004: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$18,639,392,000, to remain available for obligation until September 30, 2004.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$17,863,462,000, to remain available for obligation until September 30, 2004.

##### OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$242,054,000, to remain available for obligation until September 30, 2004.

#### TITLE V

#### REVOLVING AND MANAGEMENT FUNDS

##### DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,832,956,000: *Provided*, That during fiscal year 2003, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 315 passenger carrying motor vehicles for replacement only for the Defense Security Service, and the purchase of not to exceed 7 vehicles for replacement only for the Defense Logistics Agency.

##### NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$944,129,000, to remain

available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That, notwithstanding any other provision of law, \$10,000,000 of the funds available under this heading shall be available in addition to other amounts otherwise available, only to finance the cost of constructing additional sealift capacity.

## TITLE VI

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

## DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$14,600,748,000, of which \$13,916,791,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2004; of which \$283,743,000, to remain available for obligation until September 30, 2005, shall be for Procurement; of which \$400,214,000, to remain available for obligation until September 30, 2004, shall be for Research, development, test and evaluation, and of which not less than \$10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS  
DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,490,199,000, of which \$974,238,000 shall be for Operation and maintenance to remain available until September 30, 2004, \$213,278,000 shall be for Procurement to remain available until September 30, 2005, and \$302,683,000 shall be for Research, development, test and evaluation to remain available until September 30, 2004.

DRUG INTERDICTION AND COUNTER-DRUG  
ACTIVITIES, DEFENSE

## (INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation,

\$859,907,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

## OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$157,165,000, of which \$155,165,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$2,000,000 to remain available until September 30, 2005, shall be for Procurement.

## TITLE VII

## RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT  
AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$212,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT  
ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$162,254,000, of which \$24,252,000 for the Advanced Research and Development Committee shall remain available until September 30, 2004: *Provided*, That of the funds appropriated under this heading, \$34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2005 and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2004: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

## PAYMENT TO KAHŌ'OLAWÉ

ISLAND CONVEYANCE, REMEDIATION, AND  
ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, \$25,000,000, to remain available until expended.

## NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

## TITLE VIII

## GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for pub-

licity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

## (TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to May 1, 2003.

## (TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for

cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

C-130 aircraft; and  
F/A-18E and F engine.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress as of September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical

facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a non-reimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2003, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2004 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2004 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2004.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25,

United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

#### (TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only



for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2004 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8020. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8026. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8027. During the current fiscal year, and from any funds available to the Department of Defense, the Department is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8028. Of the funds made available in this Act, not less than \$23,003,000 shall be available for the Civil Air Patrol Corporation, of which \$21,503,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes \$1,500,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8029. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2003 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2003, not more than 6,277 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,029 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2004 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8031. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8032. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2002. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement



Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8034. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force shall convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current

list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$100,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2004 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2004 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2004 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2004: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2004.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year and hereafter pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and depos-

ited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8046. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8047. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

*Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8048. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or  
(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8049. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

#### (RESCISSIONS)

SEC. 8050. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Aircraft Procurement, Army, 2002/2004", \$3,000,000;

"Missile Procurement, Army, 2002/2004", \$28,350,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2002/2004", \$9,500,000;

"Procurement of Ammunition, Army, 2002/2004", \$25,500,000;

"Procurement, Marine Corps, 2002/2004", \$4,682,000;

"Aircraft Procurement, Air Force, 2002/2004", \$23,500,000;

"Missile Procurement, Air Force, 2002/2004", \$26,900,000;

"Research, Development, Test and Evaluation, Army, 2002/2003", \$2,500,000;

"Research, Development, Test and Evaluation, Navy, 2002/2003", \$2,000,000; and

"Research, Development, Test and Evaluation, Air Force, 2002/2003", \$67,000,000.

SEC. 8051. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8052. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8053. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8054. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program

(NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8055. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2002 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8056. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8057. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8058. (a) None of the funds available to the Department of Defense for any fiscal

year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

#### (TRANSFER OF FUNDS)

SEC. 8059. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8060. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8061. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8062. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8063. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8064. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the

contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8065. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8066. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8067. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed \$15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this

program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8068. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8069. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8070. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8071. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8072. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8073. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8074. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8075. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8076. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8077. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8078. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary

determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8079. Funds made available to the Civil Air Patrol in this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8080. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8081. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B))).

SEC. 8082. The total amount appropriated in this Act is hereby reduced by \$615,000,000 to reflect savings from favorable foreign currency fluctuations, to be derived as follows:

"Military Personnel, Army", \$154,000,000;  
 "Military Personnel, Navy", \$11,000,000;  
 "Military Personnel, Marine Corps", \$21,000,000;  
 "Military Personnel, Air Force", \$49,000,000;  
 "Operation and Maintenance, Army", \$189,000,000;  
 "Operation and Maintenance, Navy", \$40,000,000;  
 "Operation and Maintenance, Marine Corps", \$3,000,000;  
 "Operation and Maintenance, Air Force", \$80,000,000; and  
 "Operation and Maintenance, Defense-Wide", \$68,000,000.

SEC. 8083. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8084. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8085. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8086. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term "custodial care" shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8087. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8088. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—(1) During the current fiscal year, a financial management major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

- (A) Business process reengineering.
- (B) An analysis of alternatives.
- (C) An economic analysis that includes a calculation of the return on investment.
- (D) Performance measures.
- (E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term "major automated information system" has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8089. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8090. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8091. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8092. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District

of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8093. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance.

SEC. 8094. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8095. Of the amounts appropriated in this Act for the Arrow missile defense program under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$131,700,000 shall be made available for the purpose of continuing the Arrow System Improvement Program (ASIP), continuing ballistic missile defense interoperability with Israel, and continuing development of an Arrow production capability in the United States.

SEC. 8096. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8097. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Defense-Wide", \$68,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8098. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2003.

SEC. 8099. In addition to amounts provided in this Act, \$2,000,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Founda-

tion, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8100. The total amount appropriated in Title II of this Act is hereby reduced by \$51,000,000, to reflect savings attributable to improvements in the management of advisory and assistance services contracted by the military departments, to be derived as follows:

"Operation and Maintenance, Army", \$11,000,000;  
 "Operation and Maintenance, Navy", \$10,000,000; and  
 "Operation and Maintenance, Air Force", \$30,000,000.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8101. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$644,899,000 shall be available until September 30, 2003, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of Defense shall transfer such funds to the following appropriations in the amount specified: *Provided further*, That the amounts transferred shall be merged with and shall be available for the same purposes as the appropriations to which transferred:

To:  
 Under the heading, "Shipbuilding and Conversion, Navy, 1996/2003":  
 LPD-17 Amphibious Transport Dock Ship Program, \$232,681,000;  
 Under the heading, "Shipbuilding and Conversion, Navy, 1998/2003":  
 DDG-51 Destroyer Program, \$47,400,000;  
 New SSN, \$156,682,000;  
 Under the heading, "Shipbuilding and Conversion, Navy, 1999/2003":  
 LPD-17 Amphibious Transport Dock Ship Program, \$10,000,000;  
 DDG-51 Destroyer Program, \$56,736,000;  
 New SSN, \$120,000,000;  
 Under the heading, "Shipbuilding and Conversion, Navy, 2000/2003":  
 DDG-51 Destroyer Program, \$21,200,000;  
 Under the heading, "Shipbuilding and Conversion, Navy, 2001/2008":  
 DDG-51 Destroyer Program, \$200,000.

SEC. 8102. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8103. The total amount appropriated in Title II of this Act is hereby reduced by \$97,000,000, to reflect savings attributable to improved supervision in determining appropriate purchases to be made using the Government purchase card, to be derived as follows:

"Operation and Maintenance, Army", \$24,000,000;  
 "Operation and Maintenance, Navy", \$29,000,000;  
 "Operation and Maintenance, Marine Corps", \$3,000,000;  
 "Operation and Maintenance, Air Force", \$27,000,000; and  
 "Operation and Maintenance, Defense-Wide", \$14,000,000.

SEC. 8104. Funds provided for the current fiscal year or hereafter for Operation and Maintenance for the Armed Forces may be used, notwithstanding any other provision of law, for the purchase of ultralightweight camouflage net systems as unit spares.

## (INCLUDING TRANSFER OF FUNDS)

SEC. 8105. During the current fiscal year and hereafter, notwithstanding any other provision of law, the Secretary of Defense may transfer not more than \$20,000,000 of unobligated balances remaining in a Research, Development, Test and Evaluation, Army appropriation account during the last fiscal year before the account closes under section 1552 of title 31 United States Code, to a current Research, Development, Test and Evaluation, Army appropriation account to be used only for the continuation of the Venture Capital Fund demonstration, as originally approved in Section 8150 of Public Law 107-117, to pursue high payoff technology and innovations in science and technology: *Provided*, That any such transfer shall be made not later than July 31 of each year: *Provided further*, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That, no funds for programs, projects, or activities designated as special congressional interest items in DD Form 1414 shall be eligible for transfer under the authority of this section: *Provided further*, That any unobligated balances transferred under this authority may be restored to the original appropriation if required to cover unexpected upward adjustments: *Provided further*, That the Secretary of the Army shall provide an annual report to the House and Senate Appropriations Committees no later than 15 days prior to the annual transfer of funds under authority of this section describing the sources and amounts of funds proposed to be transferred, summarizing the projects funded under this demonstration program (including the name and location of project sponsors) to date, a description of the major program accomplishments to date, and an overall assessment of the benefits of this demonstration program compared to the goals expressed in the legislative history accompanying Section 8150 of Public Law 107-117.

SEC. 8106. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8107. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2003 until the enactment of the Intelligence Authorization Act for fiscal year 2003.

SEC. 8108. Section 1111(c) of title 10 is amended in the first sentence by striking "may" after the Secretary of Defense and inserting "shall" after the Secretary of Defense.

## (INCLUDING TRANSFER OF FUNDS)

SEC. 8109. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) are hereby appropriated and shall be available for obligation and expenditure consistent with the purposes for which such amounts were contributed and accepted for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as the Secretary shall determine, to be

merged with and to be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

SEC. 8110. Notwithstanding section 1116(c) of title 10, United States Code, payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2003 under section 1116(a) of such title shall be made from funds available in this Act for the pay of military personnel.

SEC. 8111. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8112. The amount appropriated in title II of this Act is hereby reduced by \$470,000,000 to reflect Working Capital Fund cash balance and rate stabilization adjustments, to be derived as follows:

"Operation and Maintenance, Navy", \$440,000,000; and

"Operation and Maintenance, Air Force", \$30,000,000.

SEC. 8113. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$475,000,000, to reduce excess funded carry-over, to be derived as follows:

"Operation and Maintenance, Army", \$48,000,000;

"Operation and Maintenance, Navy", \$285,000,000;

"Operation and Maintenance, Marine Corps", \$8,000,000; and

"Operation and Maintenance, Air Force", \$134,000,000.

SEC. 8114. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other appropriations Acts may be obligated for the purpose of transferring the Medical Free Electron Laser (MFEL) Program from the Department of Defense to any other Government agency.

SEC. 8115. (a) In addition to the amounts provided elsewhere in this Act, the amount of \$4,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of \$4,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a non-profit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Co-operation Act of 1978 (29 U.S.C. 175a note).

SEC. 8116. (a) During the current fiscal year, funds available to the Secretary of a military department for Operation and Maintenance may be used for the purposes stated in subsection (b) to support chaplain-led programs to assist members of the Armed Forces and their immediate family members in building and maintaining a strong family structure.

(b) The purposes referred to in subsection (a) are costs of transportation, food, lodging, supplies, fees, and training materials for members of the Armed Forces and their fam-

ily members while participating in such programs, including participation at retreats and conferences.

SEC. 8117. (a) COMMISSION ON ADEQUACY OF ARMED FORCES TRAINING FACILITIES.—The Secretary of Defense shall establish an advisory committee under section 173 of title 10, United States Code, to assess the availability of adequate training facilities for the Armed Forces in the United States and overseas and the adverse impact of residential and industrial encroachment, requirements of environmental laws, and other factors on military training and the coordination of military training among the United States and its allies.

(b) MEMBERS.—The advisory committee shall be composed of persons who are not active-duty members of the Armed Forces or officers or employees of the Department of Defense.

(c) REPORT.—Not later than July 31, 2003, the advisory committee shall submit to the Secretary of Defense and the congressional defense committees a report containing the results of the assessment and such recommendations as the committee considers necessary.

(d) FUNDING.—Funds for the activities of the advisory committee shall be provided from amounts appropriated for operation and maintenance for Defense-Wide activities for fiscal year 2003.

SEC. 8118. (a) LIMITATION ON ADDITIONAL NMCI CONTRACT WORK STATIONS.—Notwithstanding section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-215) or any other provision of law, the total number of work stations provided under the Navy-Marine Corps Intranet contract (as defined in subsection (i) of such section 814) may not exceed 160,000 work stations until the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense certify to the congressional defense committees that all of the conditions specified in subsection (b) have been satisfied.

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) There is a full transition of not less than 20,000 work stations to the Navy-Marine Corps Intranet.

(2) Those work stations undergo operational test and evaluation—

(A) to evaluate and demonstrate the ability of the infrastructure and services of the Navy-Marine Corps Intranet to support Department of the Navy operational, office, and business functionality and processes; and

(B) to evaluate the effectiveness and suitability of the Navy-Marine Corps Intranet to support accomplishment of Navy and Marine Corps missions.

(3) The Director of Operational Test and Evaluation of the Department of Defense completes an assessment of the operational test and evaluation and provides the results of the assessment and recommendations to the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense.

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense determine that the results of the test and evaluation are acceptable.

SEC. 8119. None of the funds in this Act, excluding funds provided for advance procurement of fiscal year 2004 aircraft, may be obligated for acquisition of more than 16 F-22 aircraft until the Under Secretary of Defense for Acquisition, Technology, and Logistics has provided to the congressional defense committees:



(a) A formal risk assessment which identifies and characterizes the potential cost, technical, schedule or other significant risks resulting from increasing the F-22 procurement quantities prior to the conclusion of Dedicated Initial Operational Test and Evaluation (DIOT&E) of the aircraft: *Provided*, That such risk assessment shall evaluate based on the best available current information (1) the range of potential additional program costs (compared to the program costs assumed in the President's fiscal year 2003 budget) that could result from retrofit modifications to F-22 production aircraft that are placed under contract or delivered to the government prior to the conclusion of DIOT&E and (2) a cost-benefit analysis comparing, in terms of unit cost and total program cost, the cost advantages of increasing aircraft production at this time to the potential cost of retrofitting production aircraft once DIOT&E has been completed;

(b) Certification that any future retrofit costs to F-22 production aircraft, ordered or delivered prior to the conclusion of DIOT&E, that result from changes required from developmental or operational test and evaluation will not increase the total F-22 program cost as estimated in the President's fiscal year 2003 budget; and

(c) Certification that increasing the F-22 production quantity for fiscal year 2003 beyond 16 airplanes involves lower risk and lower total program cost than staying at that quantity, or he submits a revised production plan, funding plan and test schedule.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8120. Section 305(a) of the Emergency Supplemental Act, 2002 (division B of Public Law 107-117; 115 Stat. 2300), is amended by adding at the end the following new sentences: "From amounts transferred to the Pentagon Reservation Maintenance Revolving Fund pursuant to the preceding sentence, not to exceed \$305,000,000 may be transferred to the Defense Emergency Response Fund, but only in amounts necessary to reimburse that fund (and the category of that fund designated as 'Pentagon Repair/Upgrade') for expenses charged to that fund (and that category) between September 11, 2001, and January 10, 2002, for reconstruction costs of the Pentagon Reservation. Funds transferred to the Defense Emergency Response Fund pursuant to this section shall be available only for reconstruction, recovery, force protection, or security enhancements for the Pentagon Reservation."

SEC. 8121. (a) **TERMINATION OF CRUSADER ARTILLERY SYSTEM.**—Consistent with the budget amendment to the fiscal year 2003 President's Budget submitted to Congress on May 29, 2002, for termination of the Crusader Artillery System, the Department of Defense is authorized to terminate the Crusader program. Such termination shall be carried out in a prudent and deliberate manner in order to provide for the orderly termination of the program.

(b) **ACCELERATION OF OTHER INDIRECT FIRE SYSTEMS.**—Of the funds appropriated or otherwise made available in this Act, under the heading "Research, Development, Test, and Evaluation, Army", \$305,109,000 shall be available only to accelerate the development, demonstration, and fielding of indirect fire platforms, precision munitions, and related technology.

(c) **ACCELERATION OF OBJECTIVE FORCE ARTILLERY AND RESUPPLY SYSTEMS.**—(1) Immediately upon termination of the Crusader Artillery System program, the Department of the Army shall enter into a contract to leverage technologies developed with funds invested in fiscal year 2002 and prior years under the Crusader Artillery System program, the Future Scout and Cavalry System

program, the Composite Armored Vehicle program, and other Army development programs in order to develop and field, by 2008, a Non-Line of Sight (NLOS) Objective Force artillery system and Resupply Vehicle variants of the Future Combat System.

(2) Of the funds appropriated or otherwise made available in this Act under the heading "Research, Development, Test, and Evaluation, Army", \$368,500,000 is available only for the Objective Force Indirect Fire Systems for the Army to implement this subsection: *Provided*, That none of the funds in this or any other Act shall be available for research, development, test, or evaluation of any Objective Force or Future Combat System indirect fire system until the Secretary of the Army has submitted a written certification to the congressional defense committees that a contract has been awarded pursuant to subsection (c)(1) containing a program plan and schedule for production and fielding a Future Combat System Non-Line of Sight Objective Force artillery system and Resupply Vehicle variants by 2008.

SEC. 8122. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

In the item relating to "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", after the dollar amount, insert the following: "(reduced by \$44,393,000)".

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment. We have not seen it.

The CHAIRMAN. The point of order is reserved.

Mr. TIERNEY. Mr. Chairman, this defense appropriations bill allocates some \$44.4 million for space-based boost interceptors, the so-called kinetic interceptors. According to Philip Coyle, who was the Pentagon's chief testing evaluator last year in testimony before our Committee on Government Reform, he indicated that this particular test program has been pushed back indefinitely and that it is nowhere near ready to be moved forward in terms of construction. It has not been tested adequately.

Mr. LEWIS of California. Point of order, Mr. Chairman. Could the gentleman provide me a copy of the amendment, please? I have not seen it.

Mr. TIERNEY. We can. If we had had more time of when this was going to happen, we would have been happy to do it ahead of time. Somebody is going to have to help you out on the floor with that.

The CHAIRMAN. The gentleman may proceed.

Mr. TIERNEY. Again, I go to the point of Philip Coyle, who was the director of the operations and testing evaluation program for the Pentagon, who came out clearly and has testified before committees in this House and has made it quite known publicly on the record both while he was in office and since his retirement from the last

administration that the testing regime for this national missile defense is nowhere near adequate for us to have any level of confidence that it will be workable, particularly within the time frame that this administration has now set forth, which they claim they are going to have a system workable by 2004. Certainly moving forward and looking at their proposed space-based matters, they are nowhere near that date, or any date within a decade or more beyond that, for deployment.

However, within this budget they have some \$44.4 million for space-based boost interceptors or the so-called kinetic interceptors and it makes no common sense at all to move forward on this until there has been a formalized plan that lays out specifically how the system can demonstrate its effectiveness and establish some reasonable time frame for accomplishing the goals that the administration has in mind.

I simply put forth for this body's deliberation and consideration the fact that we are spending money here well before it is appropriate to do so, that the general practice had been in this House and should be in this House that first we test and evaluate matters for their ability to work so that we can have some confidence in their reliability before we move forward.

It has been the experience of programs in the past that when we fail to test first before we deploy and construct, we get burned. We end up spending a considerable amount of money and losing a lot of time going back to the beginning to start construction over again in accordance with the tests and the evaluation. We have done that time after time. In fact, that is why this House passed a law setting up the Department of Operational Testing and Evaluation. Now we seem intent on ignoring the advice of that body and the comments of its director and moving forward and funding things well before their time, well before they have been adequately tested and well before, certainly, they have met the kind of evaluation that would give us any reasonable confidence that this would be a reliable system.

We have many other things, Mr. Chairman, that we could be spending money on within the defense budget. Homeland security is only one of those that certainly has a higher priority than space-based laser systems that so far have proved well beyond our grasp and have not been adequately tested.

I ask that we have some consideration for that, that we strike this \$44.4 million from the budget, find a better use for it next time around, and move forward with reasonable testing and reasonable assumptions that we are not going to build something with this Congress' assent until it has been shown to have been adequately tested and shown to be able to work.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Tierney amendment. The bill before us



today provides \$121.8 million for the initial construction of an inadequately tested mid-course missile defense system based in Fort Greely, Alaska. The Tierney amendment would cut these funds from Fort Greely construction.

To start Fort Greely construction is premature, it is technologically infeasible, and it is unrealistic. Fort Greely construction is the first step in what would become a larger system whose final price tag would be \$238 billion by the year 2025. And no one knows if it even can work. Do the taxpayers not deserve some amount of confidence? Do the taxpayers not deserve to know that a \$238 billion initiative is being started with the knowledge that it is at least possible? Because right now no one knows if it is possible or not. No problem here. Just go right ahead and spend the money, and we will figure out later on if it is possible.

According to the Pentagon's former chief investigator, Philip Coyle, testing on a national missile defense program is unrealistic and it is behind schedule. At a recent congressional briefing, Philip Coyle and missile defense expert Dr. Lisbeth Gronlund of the Union of Concerned Scientists testified that 15 of 17 critical components needed for interceptor deployment at Fort Greely will not be completed by the year 2004. Why? The technology simply is not at the required level. No problem here. Just spend the money, regardless.

Up to the present time, missile tests have failed to distinguish the target from a decoy except when the decoy has been made unrealistically easy to detect and smash, kind of like putting up a "hit me" sign electronically. There is even reason to question the success of the decoy hits. A General Accounting Office investigation found that defense contractors who conducted decoy tests found serious flaws in a 1997 test that the contractors had claimed was successful. I think America is learning about corruption involving corporations.

The administration has promised to have this site at least partially operational by 2004. However, the Defense Department has moved to put these accelerated plans under greater secrecy from Congress and the public by exempting missile defense projects from planning and reporting requirements, ending reports to Congress with detailed cost estimates and timetables and pulling the plug on disclosing the results of missile defense tests to the public. Can there be any greater example of why there is an urgent need to get a handle on this program?

The taxpayers are being asked to give this program a blank check, and no one even knows that it works. As a matter of fact, we have got plenty of evidence that it does not work, and it is all going to be hush-hush, a secret. With evidence of testing flaws in the past, it is a little bit too much to go along with the military contractors who are saying, Just trust us. How is

Congress or the public expected to take military contractors' word or the Pentagon's word on the success of missile defense tests? And think of what it means to the American people if we rely on this to protect us and the results of tests have been phoned up. Yet all this money is being spent, instead of putting money where it really ought to be, developing technologies for peaceful resolution of our conflicts.

The missile defense system is being built when the Defense Department does not have the tools to make it work. Construction is being rushed ahead on false premises and false promises. The Department of Defense has failed to successfully test the main components of the missile defense program. Now, as more money is being sought for this boondoggle, the Department of Defense refuses to show where the money is going or how it is being used. The American taxpayers have a right to demand how their hard-earned tax dollars are being spent on programs in every place in government. And here it becomes even more important when the defense of our country is on the line.

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If Congress appropriates these funds, it will be impossible to hold the Department of Defense accountable. Congress should not continue to throw good money after bad. Vote "yes" on the Tierney amendment.

The CHAIRMAN. Does the gentleman from California (Mr. LEWIS) still reserve his point of order?

Mr. LEWIS of California. Mr. Chairman, I do not believe a point of order applies to this amendment. So let me say, I was going to rise and suggest that we oppose the amendment.

The gentleman who is speaking to the amendment, however, talked about a program that was going to spend X number of tens of millions of dollars, and claiming we do not know if it will work or not. But the amendment he is speaking to essentially, Mr. Chairman, would eliminate research on that very program to determine its feasibility, and whether it will work.

The CHAIRMAN. So the gentleman withdraws his point of order.

Is there anyone else who wishes to be heard on the amendment?

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this month, like thousands of proud parents from around the country, I attended the graduation ceremonies for my two daughters, one an educator, one a physician. As I watched my oldest prepare to return to our hometown with her physician husband, both of them to care for people there, I was mindful of the guidance given to doctors from as far back as we can remember: "First, do no harm."

I think that the Administration and supporters of this bill would do well to heed this cornerstone of medicine as they continue to pursue an insular de-

fense policy—without the agreement of many of our allies, and without truly the consent of this Congress. This misguided policy emphasizes nuclear missile defense from space and abandons the Antiballistic Missile Treaty, which has played such an important role in keeping nuclear Armageddon at bay.

The Administration has also abandoned the wisdom, extensive writing, and testimony of Dr. Steven Weinberg, a Nobel-Prize-winning physicist at the University of Texas at Austin, who concludes that this system will "harm our security," not strengthen it.

There is no shortage of reasons why a space-based "Star Wars" sequel is undesirable. It targets too many of our resources toward the least likely threat. We all know and are reminded each evening on the nightly news that terrorists have many other ways to deliver destruction to our country and threaten the security of our families. Perhaps the least likely way is some type of missile that would be clearly identified as to its source and which could be the target of a space-based missile defense system.

The Star Wars plan diverts billions of dollars that we need to meet the obligation to our children, to our seniors, to our families, and to address other more immediate homeland security needs. Of course, NMD also requires the technology to hit a bullet with a bullet, to distinguish the bullet from the decoys, and to target bullets that come in a wobbly fashion and a nonwobbly fashion. Doing all of this requires what I suggest is truly a "faith-based initiative," because it takes immense faith to believe that such a space-based system will even work.

But chief among the reasons to oppose this plan and to support the Tierney amendment is that admonition to our physicians: "First, do no harm."

In working to build a world worthy of our children, the false security of space-based missile defense is far outweighed by the warning of former defense Secretary William Perry, that "even a relatively small deployment of defensive weapons could trigger a considerable nuclear arms race." With all of the recent loose talk in Washington about first strikes, about increased reliance on nuclear weapons and new ways with new weapons, this is not talk and this is not a system that adds to the security of our families; it jeopardizes that security.

Intercontinental ballistic missiles are hardly America's greatest threat. The most serious nuclear threat we have is that there are so many weapons here and abroad that remain on hair-trigger alert and the risk that some nuclear device will be smuggled into our country on a truck, in a boat, or by some other means that could expose us to danger.

Now, the Administration and this bill seek over \$44 million for space-based boost interceptors. The sky is the limit. This is part of a broader package

where we spent billions of dollars already and billions more are being requested over time. I think we need to draw a line at the heavens.

If wisdom's price is suffering, we cannot afford to belatedly learn that proceeding unilaterally with Star Wars is going to get the job done. It is not enough to learn by and by if the system works. It is not enough to let "by and by" be the words to spend more and more taxpayer resources on a system that does not work.

The modern version of the Hippocratic oath states, "A prevention is preferable to a cure." Instead of spending billions to try to build a shield to blunt the sword, our focus should be on the resources, on the diplomacy, to keep that sword from ever being forged or drawn in the first place.

Mr. Chairman, I urge support of the Tierney amendment. I believe it will add to the security of American families.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) will be postponed.

The CHAIRMAN. Are there further amendments?

Mr. LINDER. Mr. Chairman, I move to strike the last word.

(Mr. LINDER asked and was given permission to revise and extend his remarks.)

Mr. LINDER. Mr. Chairman, I rise in strong support of this legislation.

Mr. Chairman, I rise in support of both this rule and the underlying legislation, H.R. 5010, the Fiscal Year 2003 Defense Appropriations bill. This is an open and fair rule that will allow the House to work its will on the Defense Appropriations bill.

Over the past decade, the Armed Forces of this country have excelled beyond our expectations. Since 1991, the U.S. military has been involved in over 40 different conflicts around the globe—nearly four times the number of engagements than the previous four and a half decades! Yet this government, more specifically the previous Administration, has asked our men and women to perform more of these duties with increasingly less support. I believe that time has come to put an end to this policy, and to provide the support our men and women in uniform deserve.

That is why I rise in support of H.R. 5010. This legislation represents the largest increase in defense spending in two decades, and provides a 4.1 percent increase in pay for our military personnel, adequate funding to maintain our current defense systems, and provides support for new, innovative systems, including full funding for the F-22. The F-22, built primarily by the dedicated men and women of Lockheed Martin in my home state of Georgia, will revolutionize our nation's Air

Force, save the lives of American pilots, and ensure that the United States retains its dominance over the skies.

In addition to the best possible equipment, this legislation also ensures our support for the best possible training for our increasingly called-upon military reservists, such as funding for flight training devices for the 94th Airlift Wing at Dobbins Air Reserve Base in Marietta, Georgia.

As an individual who has served in U.S. Air Force myself, I am pleased to see this Administration and this Congress realize the significance of our military to freedom and democracy. I have worked closely with my good friend, Subcommittee Chairman JERRY LEWIS, to provide the best for our nation's military, and I thank him not only for his leadership on this legislation, but also for his commitment to defending the citizens of this country.

This past January, President Bush stood before this House and announced his intention to rebuild our military, to lead this nation against the scourge of international terrorism, and to root out those who seek to harm the citizens of this country. He has delivered on his promise, Mr. Chairman, and it is now time for us to deliver on ours. That is why I urge my colleagues to vote for this rule, vote for the underlying legislation, and give our men and women in uniform the support, dedication, and commitment that they have given to us.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Chairman, I rise in strong support of this bill.

Mr. Chairman, I rise in strong support of the FY03 Defense Appropriations Act, and I want to thank Chairman LEWIS and Ranking Member MURTHA for putting together a great defense bill. This bill will substantially improve the lives of the soldiers, sailors, and airmen of the U.S. armed services as they carry on the nation's defense. I particularly want to make note of the Committee's work to fully fund the conversion of the Trident submarine into an SSGN conventional strike platform. Last year, Chairman LEWIS, Mr. MURTHA and our entire subcommittee added over \$300 million to the FY02 Defense bill to get this program started. Today's bill includes \$907 million to refuel and convert two Tridents into SSGNs. This bill also takes the first step in realizing the Air Force's vision for a common Widebody Aircraft to use for Intelligence Surveillance and Reconnaissance. It includes \$596 million to purchase and outfit one 767 aircraft as the first Air Force Multimission Command and Control Aircraft (MC2A). I also want to commend the Committee for including \$10 million to fund a new medical technology, Remote Acoustic Hemostasis, which can be used by field medics to stop traumatic bleeding on the battlefield. In my home district, we lost a fine soldier, Sgt. 1st Class Nathan Chapman of Ft. Lewis, in Afghanistan due to catastrophic bleeding. I believe this technology will let us prevent this kind of death in a few years.

As good as this bill is, Mr. Chairman, it does include one glaring weakness. The committee struck the best balance for meeting our defense obligations that it could given the top line constraints imposed by the Budget Committee and the Republican leadership. However, it barely begins to address what I call

the Crisis in Procurement. The committee's recommendation of \$70,285,272,000 for defense procurement is an increase of \$9,420,324,000 over the amount approved for fiscal year 2002, and it is an increase of \$3,065,238,000 over the President's budget request. However, despite the committee's best efforts, it has not changed the fundamental fact that the Defense Department procurement budget is in crisis.

Numerous reputable studies performed in the last several years have affirmed this growing crisis. Even the most conservative analysis conducted by the Congressional Budget Office has found that the procurement budget needs to be increased to at least \$94 billion in order to sustain the military force structure that has now been ratified in the Quadrennial Defense Review. Other credible outside studies have reached estimates of over \$120 billion. DOD's own studies on procurement needs, performed by the individual Services and the Joint Chiefs of Staff, show a requirement for \$100–110 billion. The Navy has testified to Congress that it faces a procurement shortfall of \$10 billion a year, and CBO estimates that including the Marine Corps this shortfall is \$12 billion. The Air Force has told Congress of a shortfall of \$14 billion, and the Army has a shortfall estimated by CBO at \$5 billion a year.

The effects of this crisis are all too visible in the procurement programs and in the condition of military equipment and service maintenance budget. The cost and length of individual procurement programs have reached absurdity as buy quantities are reduced to minimum levels driving up unit costs. Drawn out procurement programs mean that average equipment ages are increasing rapidly. The average age of Air Force aircraft has increased by 24 percent in the last decade. Navy aircraft average age has increased 21 percent since 1990. The average age of Army helicopters has increased 12 percent since 1990. These increases have occurred even as force structure is reduced and the oldest equipment is retired. Furthermore, the current rate of procurement of Navy ships will lead to a fleet of only 230 ships by 2030.

The impact on operation and maintenance budgets is severe. The number of maintenance hours required for each aircraft flying hour is skyrocketing. For example, the Air Force had a 293 percent increase in the number of maintenance hours per flying hour on the F-15E from 1992 to 1999. The Navy experienced a 227 percent increase in the number of maintenance hours per flying hour on the F-14 in the same period. The direct effect is a dramatic increase in the Air Force budget for flying hours, more than 45 percent above inflation in the last five years. And the Navy's cost of Aviation Depot Level Repairables increased 68 percent between 1996 and 1999.

The President's proposed \$48 billion increase for defense spending contained only a \$7.6 billion increase for procurement. That means that despite the crisis in procurement spending, if the committee had accepted the President's budget recommendation, growth in procurement funds for fiscal year 2003 would have been slower than the growth in the overall defense budget. The fiscal year 2003 budget request follows the first Bush defense budget in which procurement was actually lower than the last defense budget of the Clinton Administration. More important, the size of the shortfall in procurement funding is more than

4 times the increase proposed for procurement in the President's FY03 budget.

The credibility of studies by the Joint Chiefs of Staff, CBO and the other higher estimates are strongly reinforced by a consideration of the historical patterns of defense spending. The current budget for procurement is less than half what it was at the peak of the Reagan years in 1985 when considered in constant dollars. Operations and maintenance spending, on the other hand, now exceeds the peak of the Reagan years even though our military force structure is about one third smaller. As a result, procurement, which was 25 percent of the defense budget in 1980 under President Carter, and 34 percent in 1985, is now only 19 percent of the budget. This historically low level is inadequate for sustaining our current force structure, let alone for transforming the military into a 21st Century fighting force.

There remains one more chance this year to begin addressing the crisis in procurement when the Department of Defense requests and the committee considers the \$10 billion contingency fund for FY03. This fund must begin the process of modernizing our oldest military equipment. The longer we delay in facing up to this problem, the greater the cost of the solution and the more severe the crisis in both condition and quantity of the systems that we ask our military to use in our nation's defense. We owe it to our men and women in uniform and to the entire nation to step up to this crisis in procurement and commit ourselves to provide the sustained level of resources that will solve it.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Will the gentleman transmit the amendment to the Chair.

Mr. LEWIS of California. Mr. Chairman, we have not seen the amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

At the end of the bill (before the short title), insert the following new section:

SEC. . . Of the total amount appropriated pursuant to this Act for any component of the Department of Defense that the Director of the Office of Management and Budget has identified (as of the date of the enactment of this Act) under subsection (c) of section 3515 of title 31, United States Code, as being required to have audited financial statements meeting the requirements of subsection (b) of that section, not more than 99 percent may be obligated until the Inspector General of the Department of Defense expresses an opinion on the audited financial statements of that component pursuant to section 3521(e) of title 31, United States Code.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

Mr. KUCINICH. Mr. Chairman, today I am offering an amendment to the Defense Appropriations bill that will withhold 1 percent of the budget of any component of the Department of Defense from being obligated if that component has not passed the test of the Department of Defense Inspector General audit.

This extraordinary measure is required to protect the taxpayer, since no major part of the Pentagon has ever passed the test of an independent audit

since audits were mandated by the CFO Act in 1990.

The GAO found in its 2001 High-Risk Series Report that, of 22 high-risk operations listed in the GAO report, six are Department of Defense programs, more than any other agency.

According to the report, DOD could not match \$22 billion worth of expenditures to the items they purchased. The Navy wrote off as lost over \$3 billion worth of in-transit inventory. The Department of Defense also purchases material it does not need. Based on current requirements, over \$1.6 billion of inventory should not have been ordered. Nor are these problems recent phenomena.

In March, 2000, the Pentagon Inspector General found that, of \$7.6 trillion in accounting entries, \$2.3 trillion were not supported, and this is a quote, "were not supported by adequate audit trails or is sufficient evidence to determine their validity."

At a March, 2001, hearing of the Committee on Government Reform Subcommittee on National Security, Veterans' Affairs, and International Relations, of which I am the ranking member, United States Comptroller General David Walker gave the Department of Defense an F on financial management. When asked, he admitted that it is probably the worst of any Federal agency in this respect.

Bad accounting practices have left troops vulnerable to biological and chemical weapon attacks, and I want every Member of the House to follow this. At a hearing last week of the same Committee on Government Reform subcommittee, the GAO reported on the results of their effort to track a single procurement item through the maze of different accounting, inventory and financial management systems at the Department of Defense.

The GAO chose one item, a suit worn by service members to protect themselves in the event of a chemical or biological weapon attack. Obviously, in light of the anthrax attacks and our military's deployment and prospective deployment to various parts of the world, these suits are extremely sought after. The Department is spending over a billion dollars to buy these suits at \$200 apiece. The Pentagon has plans to buy 4.4 million of these suits, but to date they have issued only a quarter of these.

According to the official in charge of this program, service members have been clamoring for these suits to protect them from biological and chemical weapon attacks. Despite the intense demand within the military, the GAO found that the Pentagon is simultaneously selling the same suits at a deep discount on the Internet for \$3 apiece. That is a 99 percent discount from what it cost the U.S. taxpayers. The Pentagon's accounting systems are so bad that several military units actually thought they had an excess of the protective suits. As a result, they went ahead and resold their suits to the pub-

lic through actions and on the Internet. Our troops have been left unprotected from biological and chemical attacks by bad accounting practices in the Department of Defense, and the taxpayer continues to have their money mistreated.

Mr. Chairman, we even had testimony in committee this week that says that of 1.6 million protective suits that have been requisitioned, the Pentagon cannot even locate 1.2 million. I want to say that again. Of 1.6 million protective suits that have been requisitioned, the Pentagon cannot locate 1.2 million suits that would be used to put on our troops so they would be able to be protected against any chemical or biological weapons attack.

We have an obligation to the men and women who serve to say that the Department of Defense has to be accountable. My amendment withholds only 1 percent of defense funding to encourage the Department of Defense to follow the law to ensure taxpayer money is accounted for, to ensure that the men and women who serve will get the equipment that they need, to make sure that our national defense will be the highest priority; and we cannot do that if we do not have any ability to control the spending and if we do not have any ability to monitor where all of these materials are.

They cannot locate 1.2 million protective suits. Can the Members imagine that on the eve of the difficulties we have with Iraq?

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

(On request of Mr. DOGGETT, and by unanimous consent, Mr. KUCINICH was allowed to proceed for 1 additional minute.)

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, is the gentleman aware that the President's budget, a new feature of it, was to give a performance grade on all the different agencies in government and that on the very issues that the gentleman from Ohio is talking about, the Office of Management and Budget itself gave an F, a failing grade, to the Department of Defense? If the gentleman could answer on that and if you could tell us how the security of our men and women in arms, in harm's way, is advanced by the kind of accounting failures that would test even the talents of Arthur Andersen to justify.

Mr. KUCINICH. Mr. Chairman, obviously, the gentleman from Texas's (Mr. DOGGETT) question is well taken because the Pentagon cannot pass a test of an audit. Not only that, but they do not know where their equipment is. Here is a case where 1.2 million protective suits cannot be located. That is incomprehensible. That ought to cause people at the high levels in the Army to shake in their boots.

Mr. DOGGETT. Mr. Chairman, does the gentleman from Ohio (Mr.

KUCINICH) think it would be better if we gave them more money to manage?

Mr. KUCINICH. Mr. Chairman, think about that. Of course they should not have more money. The point of this amendment is that we take away 1 percent until they could pass an independent audit.

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POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, because this is legislation on an appropriations bill, and just as importantly, because we did not have the courtesy of seeing it before the case, I must object to the amendment.

The CHAIRMAN. The gentleman insists on his point of order?

Mr. LEWIS of California. I insist on my point of order, Mr. Chairman.

Mr. KUCINICH. Mr. Chairman, would the gentleman please restate his point of order?

Mr. LEWIS of California. I object on the ground that this is legislation on an appropriations bill; and because of that, it is subject to a point of order, I believe, and I place that point of order and I object.

The CHAIRMAN. Does the gentleman from Ohio (Mr. KUCINICH) wish to be heard on the point of order?

Mr. KUCINICH. I certainly do.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. KUCINICH. Mr. Chairman, I want to state that as a matter of law, this amendment complies with the rules of the House. The Department of Defense Inspector General is required by the Chief Financial Officers Act of 1990 to perform audits. There can be no dispute about that.

This law requires the Inspector General to report its findings to Congress. It cannot be disputed. The Comptroller General of the United States sets accounting standards for the United States Government, absolutely true. These standards are required to be followed by the Inspector General in the Chief Financial Officers Act of 1990.

Mr. Chairman, I have just stated chapter and verse why this amendment is in order. It is not legislating on an appropriation bill. Anyone familiar with these laws, with the Inspector General act, with the Chief Financial Officers Act, with the comptroller general's responsibilities for setting accounting standards, and with the standards required to be followed by the IG and the chief financial officer knows that we certainly are in a position of being able to offer this amendment and to call on a vote on it.

The CHAIRMAN. Does the gentleman from California (Mr. LEWIS) wish to be heard further on this point of order?

Mr. LEWIS of California. Mr. Speaker, I have made a point of order because this is legislation on an appropriations bill, and it violates clause 2, rule XXI. I understand the rule is that an amendment to a general appropriation bill shall not be in order if it changes existing law.

Further, Mr. Chairman, it is my understanding that expressing an opinion is not required under the CFO act.

I ask for a ruling of the Chair.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentleman from California (Mr. LEWIS) makes a point of order that the amendment changes existing law in violation of clause 2 of rule XXI. The gentleman from Ohio (Mr. KUCINICH) has the burden to show that the amendment does not change existing law.

In the opinion of the Chair, the gentleman has failed to meet his burden as to showing that, under law, the Inspector General is required to express an opinion on the financial statements, beyond the general auditing requirement in 31 U.S.C. 3521(e).

The point of order is sustained.

Are there any further amendments?

**NOTICE**

***Incomplete record of House proceedings.***

***Today's House proceedings will be continued in the next issue of the Record.***



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## Senate

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer to Almighty God, the supreme Judge of the world, will be led by the Senate Chaplain, the Rev. Dr. Lloyd J. Ogilvie. Dr. Ogilvie, please.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Creator, Sustainer and Providential source of all our blessings. We praise you for the freedom of religion in America guaranteed by the Bill of Rights and the Constitution. There is no separation between God and State. With gratitude we declare our motto "In God we trust." Though that trust may be expressed in different religions, we do proclaim You as ultimate Sovereign of our Nation. Our Founders declared their trust in You and in each stage of our development You have guided us through peril and prosperity, peace and war. Thank You for Your faithfulness to respond to our confession of trust in You.

It is with reverence that in a moment we will repeat the words of commitment to trust You which are part of our Pledge of Allegiance to our flag: "One Nation under God, indivisible."

Help us to savor these words this morning. May we never lose a profound sense of awe and wonder over the privilege You have given us to live in this religiously free land. Renew our sense of accountability to You, and never take for granted the freedom we enjoy or the accountability we have to You. As we declare our convictions in the Pledge, we affirm that patriotism is an essential expression of our trust in You.

Specifically for today and its pressing agenda and challenges we affirm we are one Senate united under You to lead a nation that is free to say confidently, "In God We Trust."

God our Sovereign, we continue the work of this busy week with the words

and music of the Fourth of July celebration sounding in our souls. We pray together today, remembering the first prayer of dependence prayed for the delegates to the Continental Congress in 1774 that eventually led to the Declaration of Independence in 1776.

Now before the fireworks begin, work in us the fire of that same dependence on You that has been the secret of truly great leaders throughout our history. We pray for the women and men of this Senate. Enlarge their hearts until they are big enough to contain the gift of Your Spirit; expand their minds until they are capable of thinking Your thoughts; deepen their mutual trust so that they can work harmoniously for what is best for this Nation. You know all the legislation to be debated and voted on before recess. Grant the Senators an unprecedented dependence on You, an unreserved desire to seek Your will, and an unlimited supply of Your supernatural strength.

With renewed dependence on You and renewed interdependence on one another as fellow patriots, help us to be willing, in the spirit of our Founders, to stake our reliance on You and pledge our lives, fortunes, and sacred honor for the next stage of Your strategy for America: God bless America! Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore [Mr. BYRD] led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### THANKING THE CHAPLAIN

Mr. DASCHLE. Mr. President, I know I speak for all of our colleagues in thanking Chaplain Ogilvie for his wonderful prayer this morning. He spoke for all of us. We are one nation under God, and we reaffirm that today as Americans—not as Republicans or as Democrats—and we do so proudly.

### SCHEDULE

Mr. DASCHLE. Mr. President, there will be a vote on cloture at 10:30 this morning. The time between now and then will be divided equally between the Republican leader or his designee, who will have the first half of the time, and the Democratic leader or his designee for the second half. Senators should be aware that within the next 50 minutes, we will have a cloture vote, and we will proceed in an effort to try to complete work on the Defense bill today.

I yield the floor.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each. The first half of the time shall be under the control of the Republican leader or his designee; the second half of the time shall be under the control of the majority leader or his designee.

Who seeks recognition?

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

The Senator from Minnesota should be aware that the time is presently controlled by the Republican leader.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask the Senator from Minnesota how long he is intending to speak?

Mr. WELLSTONE. I say to my colleague from Texas, probably about 3 minutes. I want to talk about disaster assistance in Minnesota.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senator from Minnesota be allowed to speak for approximately 3 to 4 minutes, after which I ask unanimous consent to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FLOODS IN MINNESOTA

Mr. WELLSTONE. Mr. President, as any number of my colleagues may have noted, if they have been watching CNN, northwest Minnesota in the last 3 weeks has been deluged by heavy rainfall causing disasters in 13 northwestern Minnesota counties. We have had massive flooding.

Earlier this week, the President rightly declared these counties disaster areas, which will bring much needed FEMA assistance to individuals and businesses. More help is needed, and the Minnesota Farm Service Agency has estimated that we have 2 million acres in northwest Minnesota that are affected by the flooding, and the losses are expected to be about 70 percent. Most of the producers have carried crop insurance, but the crop insurance cannot come close to compensating for these losses. What I am worried about is FEMA can help us with public infrastructure and SBA can help some of our small businesses, but we need disaster relief for our farmers. Without disaster relief, there is no future for them at all.

The President and the administration are saying that there will not be any more disaster relief money and that whatever assistance goes to these farmers has to come from the farm bill. In other words, money has to be taken from other farmers, taken from corn growers, wheat growers, soybean growers. The President and the administration are saying that our farmers cannot expect any relief until the year 2008, no matter what. That is not going to work for northwestern Minnesota.

The farm bill which we passed is not a disaster assistance bill. It is a bill to stabilize farm income. It is a bill about the rural economies, but it is not about disaster relief. Disaster relief is all about "there but the grace of God go I"—fire in Arizona, drought in South Dakota, flooding in northwest Minnesota.

When the Congress decides to help areas affected by hurricanes and fires, we do not tell people to pull their emergency assistance out of somebody else's highway fund.

Sometimes the Federal Government needs to be there for people, and this is one of those cases. I will be visiting northwest Minnesota again this week on Saturday afternoon. It is very important that the administration provide this much needed assistance. I do not think as a Senator, in the almost 12 years I have been in the Senate, I have ever voted against disaster relief for any part of the country, because, again, I think this goes to the essence of who we are as a community. Nobody asked for the flooding. Nobody asked for 2 million acres of farmland, 70 percent of it, to be destroyed. Nobody asks for hurricanes or tornados. Nobody asked for the drought. It is "there but for the grace of God go I." We come together as a community and we provide the help for people. That is what disaster relief is about.

I come to the floor to call on the administration to change their mind and to make a commitment to providing this assistance. We had it in the farm bill in the Senate. It was taken out in conference committee for 2001. Now we are talking about even more damage for 2002.

There is no more important issue for the State of Minnesota than to get the help for these farmers. Otherwise, they will not be there. It will be all over. I appeal to the White House: Please change your mind on this matter. We need the help in Minnesota. There will be other States that will need the assistance, as well.

I yield the floor.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mr. WARNER. Mr. President, the Senator from Texas has an important measure, which I have reviewed. Given the current status of the bill, it is questionable whether it can be brought up on the bill. The Senator is anxious to speak about it. I suggest the Senator send the amendment to the desk and leave it there, making it part of the RECORD as a colloquy.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the amendment be brought up, and I will speak on it, after which I will withdraw the amendment.

The PRESIDING OFFICER. The Senate is not currently on the bill. The Senate is in a period of morning business.

Mr. WARNER. At some point it may be reviewed in committee or by the Senate, but it is important to be part of the RECORD.

Mrs. HUTCHISON. When does morning business end?

Mr. REID. After the cloture vote.

The PRESIDING OFFICER. Morning business is scheduled to end at 10:30.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent it be in order for me to call up amendment No. 3928 to the Defense authorization bill.

Mr. REID. Reserving the right to object, I have no objection for calling the bill up as long as the amendment will be withdrawn subsequently.

Mrs. HUTCHISON. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### AMENDMENT NO. 3928

The PRESIDING OFFICER (Mr. MILLER). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. BINGAMAN, Mr. LOTT, Mr. STEVENS, Mr. INOUE, Mr. BUNNING, Mrs. FEINSTEIN, Mr. CRAIG, Ms. COLLINS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. BOND, Mr. DOMENICI, Mr. BAYH, Mr. NELSON of Nebraska, Mr. BURNS, and Ms. SNOWE, proposes amendment No. 3928.

Mrs. HUTCHISON. I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To specify additional selection criteria for the 2005 round of defense base closures and realignments under the Defense Base Closure and Realignment Act of 1990)

At the end of subtitle B of title XXVIII, add the following:

#### SEC. 2814. ADDITIONAL SELECTION CRITERIA FOR 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) ADDITIONAL SELECTION CRITERIA.—Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ADDITIONAL CONSIDERATIONS.—The selection criteria for military installations shall also address the following:

“(1) Force structure and mission requirements through 2020, as specified by the document entitled ‘Joint Vision 2020’ issued by the Joint Chiefs of Staff, including—

“(A) mobilization requirements; and

“(B) requirements for utilization of facilities by the Department of Defense and by other departments and agencies of the United States, including—

“(i) joint use by two or more Armed Forces; and

“(ii) use by one or more reserve components.

“(2) The availability and condition of facilities, land, and associated airspace, including—

“(A) proximity to mobilization points, including points of embarkation for air or rail transportation and ports; and

“(B) current, planned, and programmed military construction.

“(3) Considerations regarding ranges and airspace, including—

“(A) uniqueness; and

“(B) existing or potential physical, electromagnetic, or other encroachment.

“(4) Force protection.

“(5) Costs and effects of relocating critical infrastructure, including—

“(A) military construction costs at receiving military installations and facilities;

“(B) environmental costs, including costs of compliance with Federal and State environmental laws;

“(C) termination costs and other liabilities associated with existing contracts or agreements involving outsourcing or privatization of services, housing, or facilities used by the Department;

“(D) effects on co-located entities of the Department;

“(E) effects on co-located Federal agencies;

“(F) costs of transfers and relocations of civilian personnel, and other workforce considerations.

“(6) Homeland security requirements.

“(7) State or local support for a continued presence by the Department, including—

“(A) current or potential public or private partnerships in support of Department activities; and

“(B) the capacity of States and localities to respond positively to economic effects and other effects.

“(8) Applicable lessons from previous rounds of defense base closure and realignment, including disparities between anticipated savings and actual savings.

“(9) Anticipated savings and other benefits, including—

“(A) enhancement of capabilities through improved use of remaining infrastructure; and

“(B) the capacity to relocate units and other assets.

“(10) Any other considerations that the Secretary of Defense determines appropriate.”.

(b) **WEIGHTING OF CRITERIA FOR TRANSPARENCY PURPOSES.**—Subsection (a) of such section 2913 is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) **WEIGHTING OF CRITERIA.**—At the same time the Secretary publishes the proposed criteria under paragraph (1), the Secretary shall publish in the Federal Register the formula proposed to be used by the Secretary in assigning weight to the various proposed criteria in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005.”.

Mrs. HUTCHISON. Mr. President, I rise today to speak in support of an amendment that 16 of my colleagues on both sides of the aisle have cosponsored. The amendment is very straightforward. It is to improve the minimum

criteria for the 2005 BRAC Commission, that the military and the department must follow when evaluating the Nation's military infrastructure. The amendment would also make the process more transparent.

I want to be clear that by offering this amendment, I do not intend to revisit the debate we had last year. While this Chamber remains sharply divided over the merits of another round of base closures, we can certainly agree a round of closures riddled with mistakes could be more costly than no closures at all.

In fiscal year 2002, the National Defense Authorization Act unleashed a powerful bureaucratic process when it authorized another round of closures in 2005. The Pentagon has often said that there are 20 to 25 percent excess military structures and that nine members of the commission may well recommend the closure of as many as 100 military installations in this Nation.

Those are not decisions to be taken lightly. We have seen from the Vieques fiasco that once a national asset like a training range is closed, it cannot be replaced.

We have also seen past commissions commit costly blunders. In 1995, the commission recommended the closure of Reese Air Force Base in Lubbock, TX. The Air Force said it had surplus undergraduate training capacity. Only a few years later, the Air Force reported it was nearly 2,000 pilots short of its authorized end strength. At great expense to the taxpayer, the Air Force responded by standing up Moody Air Force Base.

In 1995, Fort Buchanan, Puerto Rico was realigned, and all of its housing was conveyed to the community. Two years later, U.S. Army South was relocated there from Panama. The Secretary was forced to come back to Congress to seek permission to rescind the housing conveyance.

In 1995, Fort Greeley, AK, was realigned, its tenants relocated, and the housing area was relinquished. Five years later, the decision was made to utilize Greeley as the critical test bed for our emerging national missile defense system.

As we can see, even in peacetime, correctly forecasting requirements, even just a few years into the future, is nearly impossible.

The authorization bill already directs the commissioners to consider a handful of very broad criteria when evaluating our military infrastructure. But in an era where the meaning of commonly understood words is a matter of debate, specificity is everything.

The amendment goes one step further. The Commissioners are authorized to consider additional criteria, many not included in last year's authorization bill. One of these is force protection. The threat posed by terrorists to our forces has been demonstrated too vividly to leave this out. Look at Khobar Towers, look at the USS *Cole*. We must have force protec-

tion wherever our troops are in the field, and it should be an additional criterion for any enduring installation.

Lessons learned from previous rounds of closures include the disparities between anticipated and actual savings is another suggested criterion—who could oppose this commonsense suggestion?

Of course, there are bases overseas as well as those in America that are affected by the base-closing commission, so the criteria in this amendment are in no way exhaustive or restrictive. The Commission may consider any other criteria it considers appropriate. But it is an attempt to enumerate a minimum number of criteria that would have to be addressed by the Commission when they are making their very important decisions potentially closing as many as 100 military installations.

In addition to sharpening focus, this amendment would also increase transparency. It requires the formula to be used in assigning weight to the various criteria to be published in the Federal Register. By permitting greater insight into the workings of the Commission, we can reduce some of the anxiety communities will experience as we near 2005. Greater transparency will also help us limit the number of potential and very costly mistakes.

We will place a tremendous amount of trust in the nine members of the Commission. Their decisions will impact hundreds of communities across our Nation. It is entirely reasonable to demand a degree of transparency into the process.

In a recent letter, the general counsel of the Department of Defense wrote to express the Department's opposition to this amendment. The counsel justifies the Department's opposition by arguing that the proposed criteria “are redundant to existing provisions,” and “the proposed requirement to weight the selection criteria is unnecessary.”

As an example of this alleged redundancy, the counsel points out that our amendment requires that the selection process address “force structure and mission requirements through 2020,” and that the current law also requires the Secretary of Defense to develop a force structure plan based on, among other factors, an assessment of the probable threats to national security through 2025.

This is true. However, the general counsel fails to mention that the current law requires the Secretary of Defense to submit the plan in support of the Department's fiscal year 2005 budget. That budget will not be submitted to Congress until February or March of 2004, months after the December 31, 2003 deadline for publishing the proposed criteria for base closing in the Federal Register. Without our amendment, the criteria will be established before the Secretary has reported his assessment of our long-term threat, the necessary force structure, and hence the most appropriate infrastructure needs of the military.



Members of this administration have said on previous occasions that doing a BRAC before our future force structure has been determined is like getting the cart before the horse.

The general counsel also contended in the letter that the amendment's requirements that the criteria be weighted is unnecessary because the current law:

... requires the Secretary of Defense to ensure that military value is the primary consideration. . . .

True. Our legislation would not change this. The real question is, Exactly how will the Department measure military value? Clearly, there are many factors that comprise this measurement. The current law contains at least five components of military value. Is it unreasonable to ask which of these is the more important? They can't all be of equal value. At some point the Commission will rank them, giving each criterion a different relative weight. All we are seeking is insight into the process. Without knowledge of how the Commission weights the criteria, we will once again be left, as we have seen in past BRACs, with a secretive process in which the nine members of the Commission go into a room with a list of bases and then reappear with a final list of closures. There is no public insight into the Commission's rationale at this point.

Our legislation would require that the relative weighting be published, and thus provide the public with a greater understanding of the process.

I think the general counsel's response shows a level of misunderstanding of the concern that people have about base closings. This has been a secretive process in the past, one in which there has been no necessity to reveal the rationale and the Commission has not.

I do not doubt the Department will eventually start looking at these criteria more carefully. I certainly hope, before we go into this 2005 round, which will probably be the last round of base closures, that the Department will report on what our 20-year strategy is going to be, what our necessary force strength will be, and what our training infrastructure requirements will be.

Today we don't know that. We could not know that today for 2020. The Department has not put that forward. Clearly the Department has been focusing on the war on terrorism, as they should. But to go into the next round of base closings, we must determine what our threats are going to be for 20 years and assess just how much it is going to cost to close a base or how much it would cost if we need to reopen it.

It is clear that did not happen in all cases during the 1995 round. Costs continue to be much more than were estimated by the Commission.

The environmental cleanup is still costing us hundreds of millions of dollars in the Military Construction Subcommittee, where I am the ranking

member, and we are paying costs that were never envisioned by the 1995 base-closing commission.

I am going to withdraw my amendment because I do think the Department of Defense has other concerns that are clearly taking priority at this time, and I understand that. But I am going to keep this amendment alive for the future because I believe the Department needs to come forth with weighted criteria, with a clear 20-year strategy before they set the criteria for base closings.

We need to know what the war on terrorism is going to entail over the next 20 years. How are we going to protect our troops wherever they may be? How are we going to make sure we have the training capability that we thought we had at Vieques, but then all of a sudden people protested and we withdrew? So now we do not have a good live-firing training range for the Navy to substitute.

How could we possibly go forward in 2005 without this information?

I urge the Department of Defense to work with me to come up with clear, weighted criteria prior to the 2005 round of base closings.

I withdraw the amendment and yield the floor.

The PRESIDING OFFICER. The amendment is withdrawn.

The time is controlled by the majority leader or his designee.

Mr. WARNER. Mr. President, I just wished 2 minutes for comment.

Mr. REID. I have a problem. We have a lot of time after the cloture vote. Senator STABENOW has about 30 minutes of material to jam into 20 minutes, so I think we should start with that.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### PREScription DRUG PRICES

Ms. STABENOW. Mr. President, I rise this morning to speak about an incredibly important subject that affects every senior, every family, every worker, every business owner in our country. This is something we have been talking about for a long time but we are now poised to act. I want to commend our Senate majority leader, Senator DASCHLE, for understanding the critical nature of prescription drug prices for our seniors, for our families, for our businesses in the country, and for scheduling this debate in July, an important time in the midst of so many issues that we know are pressing. He understands—and I appreciate that our leadership understands—the critical nature of our seniors having to struggle to get their prescription drugs every day and the gigantic rising costs for our business community. The fact is that workers have to negotiate pay freezes in order to have the health care they need.

This is an issue that affects everybody. We have the opportunity to act in the Senate. There are those who will

be acting in the House of Representatives on a plan that, with all due respect, I believe and many colleague believe, just isn't good enough. We have the opportunity to do the right thing to make a real difference to provide for a Medicare prescription drug plan that will pay for the majority of the bill for the average senior, and also lower prices for everyone.

I want to share with colleagues today results from a study that was done by Families U.S.A. and released on Monday that tracks the rising prices of prescription drugs. It continues to be astounding. They have indicated that over the 5-year period—from January 1997 to January of this year—the prices of the prescription drugs most frequently used by older Americans rose, on average, 27.6 percent—way above the rate of inflation.

No wonder our seniors are having to choose between food and paying the electric bill and getting their medicine. No wonder our small business community is seeing premiums rise by 30 or 40 percent. The Big Three automakers in my State are struggling with the huge price increases for health insurance.

We are seeing an explosion of prices for prescription drugs which is absolutely not sustainable, and it is absolutely not justified.

Let me read from two of the many examples that were given by Families U.S.A. Premarin, an estrogen replacement drug, rose 17.5 percent—nearly seven times the rate of inflation. Lipitor, which we hear so much about, a cholesterol-lowering drug, rose 13.5 percent—more than five times the rate of inflation.

That is astounding when we look at the fact that the taxpayers of America underwrite basic research; we provide tax incentives, tax credits, and tax deductions so the drug companies can write off the cost of research. We give them patents so they do not have competition for up to 20 years in order to recover their costs. Then we see the highest prices in the world being paid by our seniors—being paid by everyone in the United States. This explosion in prices makes no sense.

I am so pleased, as we come to this debate in the Senate, that out of the debate we will include not only a Medicare prescription drug benefit, which is authored by the Presiding Officer, as well as Senator GRAHAM of Florida, Senator KENNEDY, and many of us who join together to provide real coverage and real help for seniors, but we also intend to tackle the pricing issue.

One of the things I found astounding in this study is the fact that up to 10 top generic drugs—in other words, unadvertised brands that are equivalent to the advertised brands, but they just don't cost as much—of the 10 generic drugs, 9 did not increase in price at all last year. Nine out of ten of the generic drugs looked at did not increase at all. On the other hand, by contrast, only 3 of the 40 brand-named drugs did not increase last year.

I have talked about the fact that in our plan we provide incentives and encourage the use of unadvertised brands. We will be offering important amendments to close loopholes which allow brand-name companies to stop the generic companies from going on the market to compete with lower prices.

These are very important issues.

We have two goals in the Senate: To provide a real Medicare prescription drug benefit, and at the same time to lower prices for everyone.

We want to open the border to Canada so we can get prescription drugs at lower prices. We want to provide other opportunities, such as tackling exorbitant costs of advertising that cause these prescription drugs to rise so quickly.

What does this mean for real people? We know there is a real difference between the House and the Senate. The House plan will cover about 15 to 20 percent of the average bill for an average senior. We are looking at covering 70 to 80 percent—a huge difference.

What does that mean to the average senior?

I have set up a Prescription Drug People's Lobby in Michigan where we ask people to come to my Web site. They can log onto my Web site by logging onto Senator DEBBIE STABENOW, and they can find out what we are doing to lower prices and to provide Medicare prescription drug coverage. I have asked people to share their stories and their struggles. I want to share two of those today.

Shawn Somerville from Ypsilanti, MI, is a granddaughter who is expressing great concern for her grandmother. She said:

Just this last Christmas, my grandmother was hospitalized because she stopped taking her prescription so she could afford Christmas presents for all of us grandkids. She later died from an undiagnosed ulcer. It was very sad to me that these drugs are so expensive.

Do they need to be?

Do they need to be? No, Shawn. They do not need to be.

We don't need another grandma choosing not taking her medicine this Christmas so she can buy Christmas presents for her grandchildren. This is the United States of America. We can do better. It is shameful that we have not done better. We intend in the Senate to come forward with a plan that will do better.

I have been getting e-mail from the Prescription Drug People's Lobby from around the country. I will share one more before turning to my colleague from Minnesota, who has been such a leader on this issue.

This is from Lydell Howard from Inglewood, CA. She wrote:

My grandfather, Esco Howard, a 75-year-old retired LTV Steel worker recently experienced what we thought to be impossible. He and his spouse in March 2002 were sent a letter to advise them that they would no longer be covered by a medical plan as provided by LTV Steel, as of March 31, 2002. This was due to the financial constraints of the company.

This is happening all across our country.

We (the family and grandparents included) were devastated. What would they do? How could they then survive?

What would they do?

Since March 31, my grandparents have been faced with exorbitant medical prescription costs. Their finances absorbed by the cost of medical and prescription costs, now average nearly \$900 per month for prescription costs alone, with an income of about \$1,300 per month.

Nine hundred dollars a month. That is hard to fathom—somebody retired coming up with \$900 a month.

This way of living is terrorizing seniors, disabled persons, and their families. This movement to expand Medicare to include a description plan is the answer. But it also must be affordable to all people of concern.

Lydell Howard, I couldn't agree more. That is what this is all about—providing real medical help, and real Medicare help for prescriptions for your grandparents, and making sure prescriptions are affordable to everyone.

I will say, as I have said so many times before, that we know this is an uphill battle. There are six drug company lobbyists for every Member of the Senate. People have to be involved and have their voices heard in order for us to be successful.

I will conclude by once again encouraging people to join us by going to [fairdrugprices.org](http://fairdrugprices.org), and sign a petition calling on Congress to act—get involved and share your stories with us.

I now yield to my colleague from Minnesota, who has been such a champion and a voice for people on this issue and so many others. I know he is standing up every day on behalf of our seniors and our families to lower prescription drug prices.

The PRESIDING OFFICER. The Senator from Minnesota.

MR. WELLSTONE. Mr. President, I would like to not rush through this. We only have 10 minutes. I will use 5 minutes and then yield 5 minutes to my colleague from Florida, who has been such a leader on this issue, along with the Presiding Officer. Listen, I could go through this for hours. I don't know how to do this in 5 minutes, but let me try.

I thank the Senator from Michigan. I think people get a whole lot more faith in politics and then people in politics when they not only campaign and say they are going to do something but, once in the Senate, they make this their passion and their goal. I say to the Senator from Michigan, you have done that. Every single day you have been focused on prescription drug coverage for people. I thank you for that.

The House has a plan, and I simply have to point out to the Senate that I do not see it as a great step forward. I see it as a great leap sideways. I think people will come to see it the same way. People in Minnesota will.

There are a number of problems. Part of it is ideological. When we passed

Medicare in 1965, it was an enormous step forward. I will tell you, for my mom and dad, who are no longer alive, it made all the difference in the world. It meant there would be coverage for them.

This was a Government program that, really, I put in the same category as Social Security. It was an enormous step forward, not just for senior citizens but made our country better. It made us a better country.

What we want to do on the Senate side is extend prescription drugs as a part of Medicare. On the House side, basically what they are saying is, there is no guarantee of any benefit. But what they do say is, seniors will be entitled to some sort of coverage through drug-only insurance plans or through Medicare HMOs. By the way, a number of these private health insurance plans, I say to my colleagues from Ohio and Michigan, are telling me they are not going to provide the coverage for them because it will not work for them. The only people it will work for are people who will not need it, and they will not have a large enough pool, so it will not be profitable.

But on the House side, apparently Republicans have said they do not want to extend this on to Medicare, in which case, really, they are interested in going down the road of privatizing Medicare. We are not.

The second point is a real important one. If you are going to have prescription drug coverage that works for people, you have to keep the copays or deductibles sufficiently low and premiums sufficiently low so they can afford it. And it has to provide real catastrophic coverage. That is what people worry about the most.

On the House side, you have this peculiar feature of between \$2,000 and \$3,700 there is no coverage. While people continue to pay premiums, they do not get any coverage. I think probably close to half of the senior citizens in this country actually are paying more than the \$2,000 in expenses for prescription drugs; and they do not get any coverage whatsoever in the House plan. It does not make a whole lot of sense. This is truly one of those examples where the Devil is in the details.

I guarantee you, when senior citizens—and it is not just about senior citizens; it is their children and their families; we are all in this together—see there isn't any coverage, people are going to say: What is this about? This does not meet our needs.

The third issue which is important to me is that the House plan says we want to make sure that low-income seniors—the profile is not very high; it is not true the majority of senior citizens are “greedy geezers” playing all the swank golf courses around the country—probably a full 75 percent have incomes below \$30,000 or \$35,000 a year.

For low-income seniors, the House says, of course we would not have people paying, that it would be coverage they could afford, it would be free coverage, except then they have an assets

test so that if you have a savings account of more than \$2,000, or you have a car that is worth \$4,500, or you have a burial plot worth more than \$1,500, you would not necessarily be eligible for any help whatsoever. That strikes me as being stingy. To tell you the truth, it defies common sense. We ought not to be having this kind of stringent assets test when it comes to whether people can afford prescription drugs.

My final point—and I could spend a lot of time on this—I am a cosponsor of the Senate bill. I think it is extremely important. I thank both my colleagues. I would love to see us have some cost containment. I think we should do it. I could talk about three options, but with only 30 seconds, I am only going to talk about one, because I have been working on it for several years. And so have Senator STABENOW, Senator DORGAN, and Senator JEFFORDS.

I do believe at the very minimum we ought to allow our citizens to reimport these prescription drugs from Canada, according to all of the FDA safety guidelines. There is no reason in the world why our pharmacists, our wholesalers, and our families cannot reimport drugs, where they can get a 30-, 40-, or 50-percent discount. There is no reason whatsoever. I grant you, the pharmaceutical industry will not like this.

But what we also have to do is make sure there is a way we can reduce the costs. I think that would be a helpful addition to what I think is a very important piece of legislation.

I say to my colleagues, I think the House bill is a nonstarter. I think it is a great leap backwards. I think we have a much stronger bill. I look forward to the debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, first, I commend my two colleagues for their eloquent statements. I commend the Presiding Officer for his great leadership on this effort to pass a prescription drug benefit this year.

The most fundamental reform for our Nation's Medicare Program is its transformation from a program that has focused, since 1965, on dealing with people's needs after they were sick enough to go to the doctor or the hospital and to create a modern commitment to good health.

Access to medications is an absolutely central part of that commitment to good health. Access to medications not only helps people live longer, happier, healthier lives, but it also will help Medicare save money.

These truths are particularly important to the most vulnerable of our elderly, those who are too well off to qualify for Medicaid, the program for poor Americans, but are too poor to afford their medically necessary prescription drugs.

There are approximately 10 million older Americans living on an annual

income of \$13,000 or less per year. Of that 10 million, 5.5 million have no prescription drug coverage because they do not qualify for Medicaid.

These Americans face the tough choices of deciding whether they can afford their prescription drugs. One example of this is Mrs. Olga Butler of a beautiful community in central Florida, Avon Park.

Mrs. Butler receives a monthly Social Security check of \$672, which makes her barely over the income limit for Medicaid coverage. This means that the 67-year-old Olga has to pay for her own medications, sometimes having to make the choice among food, rent, and her prescriptions.

Olga is on Lipitor and clonidine for her hypertension and high cholesterol. She pays \$95 per month for Lipitor and \$22 per month for clonidine. These prescription drugs not only improve the quality of Olga's life, but they are helpful in warding off a possible stroke or heart attack, for which she is at great risk.

In addition to the personal devastation of having a stroke or a heart attack, these would cause significant additional costs to the Medicare Program.

An average hospitalization for a typical stroke patient costs Medicare \$7,127.59. Physicians' time, tests, and consultations will add, on average, another \$1,600 cost to Medicare. This is an avoidable event.

If Olga can continue to take her medications, chances are she will not have a stroke, she will not have a heart attack, and, if she is fortunate, she will not need further hospitalizations, nursing facility care, and rehabilitation services. This, of course, is expensive, but it is also avoidable.

You might ask, why are you discussing this issue of the poor, but above Medicaid eligibility, elderly? Don't both competing prescription drug plans that have been offered for Medicare offer similar benefits to Olga Butler? The answer is, not quite.

Under the House Republican plan, which I understand may be debated today and where I know there are considerable misgivings among Members on both sides of the aisle, maybe one of the reasons for those misgivings is the fact that, before Olga can receive any help with her drug costs, she must pass an assets test. An assets test?

For the first time in the history of Medicare—for the first time since 1965—we are about to impose an assets test in order for a low-income Medicare beneficiary to be eligible for prescription drug assistance.

What does this mean to Olga Butler? It means she must deplete her life's savings to less than \$4,000, sell off her furniture and personal property that is worth more than \$2,000, get rid of her burial fund if it exceeds \$1,500, and sell her car, if it has a value of more than \$4,500—all of these in order to qualify for low income assistance under the inadequate Republican proposal.

I ask unanimous consent for an additional 5 minutes to complete my remarks.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAHAM. Mr. President, I look forward to an opportunity to continue to outline the circumstances under which Olga would be disadvantaged if the plan being considered in the House today were to improvidently be adopted.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now continue consideration of S. 2514 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 for the military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Mr. WARNER. Parliamentary inquiry: My understanding is the Senate now, by previous order, proceeds to the cloture vote; am I correct?

The PRESIDING OFFICER. The Senator is correct.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII, of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 2514, the Defense authorization bill:

Harry Reid, Jon Corzine, Richard Durbin, Tom Harkin, Carl Levin, Mary Landrieu, Tom Carper, Ben Nelson, Ron Wyden, Daniel Akaka, Debbie Stabenow, Evan Bayh, Maria Cantwell, Herb Kohl, John Edwards, Jeff Bingaman, and Joseph Lieberman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on S. 2514, a bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—98

Akaka	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	

NOT VOTING—2

Helms Schumer

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Nevada is recognized.

Mr. REID. Mr. President, it is my understanding we are now postcloture on the Defense authorization bill and amendments that are germane can now be offered; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Georgia is recognized.

AMENDMENT NO. 4033

Mr. CLELAND. I thank the Chair. I call up amendment No. 4033.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND], for himself and Mr. MCCAIN, proposes an amendment numbered 4033.

Mr. CLELAND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase active duty end strengths)

On page 91, strike lines 1 through 4, and insert the following:

- (1) The Army, 485,000.
- (2) The Navy, 379,200.
- (3) The Marine Corps, 175,000.
- (4) The Air Force, 362,500.

Mr. CLELAND. Mr. President, I thank my colleague and friend, my

Vietnam brother, Senator MCCAIN, for joining me in offering an amendment that I think is critical to the future of our military forces and particularly critical to the future outcome of the war against catastrophic terrorism. That phrase “catastrophic terrorism,” I borrow from Senator Sam Nunn, who once occupied this seat in this august body and whose opinion in terms of military and defense matters I respect tremendously.

Today I introduce, along with Senator MCCAIN, an amendment to the Defense authorization bill that begins to address the concerns expressed by the uniformed leadership of the Armed forces and reinforced by visits to our soldiers, sailors, airmen, marines, and their families around the world.

President Franklin Roosevelt once said to the members of his generation—which includes my mother and father. My father served at Pearl Harbor after the attack, so I grew up with the notion that this Nation should respond wholeheartedly to an attack on itself—“To some generations, much is given. From some generations much is required. This generation has a rendezvous with destiny.” I think this generation has our own rendezvous with destiny and that destiny is to win the war against catastrophic terrorism, to defend our homeland and to hang together as Americans while we are doing it.

Regarding our efforts militarily, I support the President and our military commanders 100 percent. However, I also firmly believe we must increase the numbers of our active duty military personnel if we are to be able to fight the war on catastrophic terrorism successfully. Our military is currently winning the battle. But we will lose the war if we continue to ignore the fact that our forces are critically over-deployed and being asked to do too much with too little.

There is a Latin phrase which tells us, “If you wish for peace, prepare for war.” The United States is increasing its resources to prepare to fight this war. This Defense authorization bill represents the largest defense authorization bill in American history—\$394 billion. Additionally, we are dramatically increasing our intelligence capabilities, especially human intelligence. We are boosting the CIA with more money and people, while the FBI is creating a super squad aimed at fighting terrorism around the globe. In the past 2 weeks, the President requested Congress create a Cabinet office of Homeland Security.

We are very fortunate to have a superb military force that is highly-skilled, highly-trained and highly-motivated.

The problem is that they are also over-committed. Our forces are over-deployed and they won't be able to do it much longer. We are out of balance, with our commitments far outpacing our troop levels, and the situation is only getting worse. As can be seen on

this chart, as the size of our force structure has continually declined since Vietnam, the number of contingency deployments has continued to grow with no end in sight. As a matter of fact, we all read in the papers almost daily where our military forces have been expanded in terms of commitments—to Yemen, Pakistan, the Philippines, the Republic of Georgia, and so on.

Since the end of Operation Desert Storm in 1991, the armed forces have downsized by more than half a million personnel. I do not think the American people really understand we won Desert Storm in 1991 with half a million more people on active duty, trained and ready to fight, than we have now. We do not have those half a million people, and our commitments have continued to increase. Today, a Desert-Storm size deployment to Iraq would require 86 percent of the Army's deployable end strength around the world, including all stateside deployable personnel, all overseas-deployed personnel, and most forward-stationed personnel.

Contrast that drop in personnel with the dramatic rise in the number of deployments for the same time frame. The Army alone is deployed in over 100 countries, with over 10,000 troops in Bosnia, Croatia and Hungary.

Even more dramatic is the fact that deployments have increased 300 percent since 1989, and the fall of the Soviet Union. The tempo of those deployments has increased from one every four years to one every 14 weeks.

That was prior to September 11. In the war on terrorism, we now face a far broader challenge and for a longer, unspecified duration. The Department of Defense has ordered new deployments in the last several months to Afghanistan, Yemen, the Philippines, Georgia, and Pakistan. To make this possible, we have activated more than 80,000 guard and reserve troops and instituted stop-loss for certain active and reserve component specialties. “Stop-loss” means you are not getting out of the military; we have a war on. That is what “stop-loss” means.

This is not a way to fight a war when our strategic national interests are at stake. The President has rightly told the country to be prepared for a long war. That is highly appropriate. However, the Department of Defense requested only a modest increase, a little over 2,000 personnel, in Marine Corps personnel this year. In the face of mounting evidence that our people and their families are hurting from the strain of this new war, there are no current plans by Department of Defense to increase end-strength for American soldiers, sailors or airmen. The Department of Defense may not have plans to increase our end-strength authorization, but I do, along with Senator MCCAIN and others.

As the chairman of the Personnel Subcommittee of the Senate Armed Services Committee, I propose to authorize an increase of 5,000 personnel

for the Army, 3,500 for the Navy, 3,500 for the Air Force and 2,400 additional Marines as part of the fiscal year 2003 budget. This represents an increased authorization of 12,000 personnel beyond the administration's request. This initial increase begins to address the needs of the armed forces, the needs they themselves feel are crucial.

During the past year, most of the senior uniformed leadership in Washington and around the globe have related manpower concerns and the strain it has created on their service either in testimony or in the media. It is time to respond to their concerns.

Recently, two-regional combatant commanders testified that their forces were stretched thin and inadequate to carry out their assigned missions if operations in the war on catastrophic terrorism continued at their current pace. I see no sign the war is abating. I see every sign it is escalating. In addition, the Joint Chiefs of Staff have apparently cited manpower needs as one criteria leading to a recommended delay in any possible military action against Iraq; a conclusion also reached during a Pentagon computer-simulated exercise this past Spring.

This authorization process is inevitably about setting priorities, and this amendment addresses the crucial need of our most important resource and highest priority, the men and women who serve in our armed forces.

In addition to this needed increase in authorized end-strength for the next fiscal year, I had hoped to offer a sense of the Senate resolution that would demonstrate the commitment of this body to the continuing need to address authorized end-strength levels as we fight this war on terror and simultaneously meet this Nation's military commitments around the globe. However, this resolution was ruled non-germaine and cloture prevents its offering. This does not negate the fact that there is a need for almost 26,000 additional personnel over a 5-year period to meet the shortages expressed by our senior uniformed leadership, soldiers, and families. My plan would bring our current commitments and authorized troop levels into greater balance.

If fully implemented, over the course of a 5-year period, the Army would grow by over 1 percent annually resulting in an army end-strength of an additional 25,000 extra soldiers.

The Air Force would require an increase of 2,500 airmen in fiscal year 2004 and 2,000 in fiscal year 2005.

The Navy would have a requirement for 1,000 additional sailors in fiscal year 2004.

This responsible and incremental increase in authorization acknowledges that the activation of the reserve components and stop-loss are only temporary fixes to a larger problem. In addition, this plan begins the dialogue on the long term personnel needs that this new war on terror requires. Though this multi-year plan will not be in-

cluded in this bill, I will continue to pursue this issue within this body. It is imperative that we continue to recognize that this is a long term problem that must be addressed with long term plans in order to meet the commitment our young service men and women deserve.

Just a personal note: I have been on the short end of a no-cost, guns and butter policy before. It was called Vietnam. I don't want to hide the costs of the war on catastrophic terrorism. I don't want to see this happen again. In Vietnam, we had the men but not the mission. The draft easily provided us with the personnel we needed but never answered the question of how to properly use the troops we were putting in harm's way. American soldiers paid the price. In the war on terrorism, we have the mission, but we do not have the people. American servicemen and women will pay the price again if we do not act.

Right now, our military is on a collision course with the reality of families they do not see, training they are not receiving and divisions borrowing from each other to meet requirements and survive. We can prevent tomorrow's losses, but we have to act today. We must be on the strategic offensive against catastrophic terrorism with enough people and resources to make the terrorist lose. I support the Defense Department's internal look at reallocating spaces to the warfighting units. This however, should be complimentary to a plan to provide the most critical weapon in our arsenal—American service men and women. I respectfully request that my distinguished colleagues join me in supporting our men and women in uniform by providing them what they need to fight and win this war on terrorism and meet our commitments abroad at the same time.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I rise in support of the amendment by my friend, Senator CLELAND of Georgia. The reality is there are some 80,000 reservists who are now being extended on active duty—some of those reservists voluntarily, some involuntarily—because of the dramatically increased commitments of manpower as a result of the war on terror precipitated by the events on September 11.

Some of our most valued members of the military are our reservists. They have filled incredibly important and vital missions in defense of this country not only since September 11 but in every previous conflict in which we have been engaged in the last century.

Right now, many of these men and women who are being involuntarily extended believe they have performed the function of a reservist, and that is to be called up in time of an emergency. Their lives have been disrupted; they are having to tell their families they do not know when they will be able to return to their homes, their families, and their jobs. Remember, these reservists, the overwhelming majority of them, have jobs and homes in their communities in which they live. Many of them are very far away from home on ships at sea and overseas in many places.

The reality is, as patriotic as these men and women are, they are not going to remain in the reserves if they are forced to remain involuntarily for an extended period of time.

The Pentagon has been very reluctant to increase the end strength of the military, which means that men and women who would be in active-duty forces would then take up these duties presently being performed by reservists. The reason is pretty obvious. What it does is it increases costs rather dramatically. When you look at the personnel costs associated with enlarging the size of the military, they have a very significant budgetary impact.

The Cleland amendment tries to increase end strength because we know we are in a protracted war, we are in a war that will not end soon, and it will require an increased number of personnel in the military. Senator CLELAND's amendment is rather simple. It increases the allowed end strength—in other words, to the layperson, this is the allowed number of men and women in the military. It gives significant flexibility to the Secretary of Defense and the administration.

But we need to send a signal to all of the military that we are willing to increase the size and strength of the military to whatever degree is necessary to successfully prosecute the war on terror. Part of that, obviously, reservists being extended involuntarily, is that we do not have enough men and women in the military. We are willing to provide the weapons systems, the increased procurement—some of it far less necessary than the increased number of personnel in the active-duty armed services.

Senator CLELAND, who keeps in very close touch with the men and women in the military, including those very large numbers who are based in the State of Georgia, and I have come to the conclusion that we need very badly to increase end strength, maintain the viability of the reserves, but also to successfully prosecute the war on terror.

I thank Senator CLELAND for his amendment. It is a worthy amendment. It provides a great deal of flexibility to the Defense Department. We need to send a signal, especially to the reservists who are being extended involuntarily for an indefinite period of time,

that we intend to increase the size of our military so they will not have to.

Here is a reality: They are not going to keep these men and women in the reserves if they believe they are going to be involuntarily extended. Senator CLELAND has information about how many times reservists have been called up, particularly in recent conflicts, including that in the Persian Gulf.

At least those conflicts were of relatively short duration. But these men and women who held jobs in their own communities and were members of the Reserves did serve their country at considerable sacrifice.

I thank Senator CLELAND for his amendment. I strongly support it, and I hope my colleagues will support it as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I share the views as expressed by our distinguished colleague from Arizona and, indeed, the distinguished colleague from Georgia, about the problems facing the men and women in the Armed Forces today, particularly the Reserves, the Guard, and others. They have very loyally and patriotically accepted the call to leave their families, their jobs, and go on an active duty status.

Further, both Senators are quite accurate as to the current stress that is being put on the active force, now augmented by the call-ups of the Guard and Reserve—nevertheless, the total force as we refer to it today—the stress that is being put on them and their families by the deployments worldwide. I take absolutely no exception to their observations.

I at this point want to seek some clarity as to the interpretation of the amendment before I ask the Chair to call up a second-degree amendment to see if, in fact, that may not be necessary.

I say to my distinguished colleagues—either Senator may answer—is this amendment paid for by offsets from other provisions in the bill?

Mr. CLELAND. I thank the Senator from Virginia for his support. This amendment is discretionary. There is no money to pay for it, so it is therefore discretionary on the services. If they meet this increased end strength, they have to take it out of their own hides. So it is discretionary upon the services.

Mr. WARNER. My next question would be: title X governs this process of the end strengths and has done so for many years. The practice of the committees of the armed services—certainly the Senate committee—is simply to establish new end strengths and then they are incorporated into the continuing language of title X, which is in permanent law and does not need to be revised annually. Does this amendment in any way revise the provisions of title X?

Mr. CLELAND. The distinguished Senator is correct. This does not revise title X.

Mr. WARNER. If I understood the Senator, it does not in any way seek to revise the language in permanent law of title X?

Mr. CLELAND. That is correct.

Mr. WARNER. I say to my distinguished colleagues, it has been the practice of the conference committee on the authorization side each year, in reconciling the differences between the House and the Senate—if the Senator from Georgia first would recite his understanding as to what is in the House bill now? And, should this measure be adopted on the floor today, what would be the differences that the House and the Senate would have to reconcile?

Mr. CLELAND. I say to my distinguished colleague from Virginia, my understanding from staff is that the House has raised the floor—the floor, not the ceiling. It has raised the floor. And we do not. We just establish a new ceiling that is discretionary.

Mr. WARNER. Mr. President, if I understand it, the Senator quite accurately pointed out there is a floor in the House bill. We do not have a floor, it is your understanding, in the Senate bill; is that correct?

Mr. CLELAND. The Senator is correct.

Mr. WARNER. So that issue would, then, be before the conference?

Mr. CLELAND. That is correct.

Mr. WARNER. Let's assume for purposes of this debate that the approximate cost of the amendment, I say to the Senator from Georgia, would be about \$500 million; is that correct?

Mr. CLELAND. The Senator from Virginia is correct.

Mr. WARNER. Would it not be incumbent upon the Senate conferees to find within this bill that will be passed shortly the \$500 million in order to accept the provisions reconciled, as you say, by the House and the Senate?

Mr. CLELAND. I say to my distinguished friend from Virginia, as far as I know, it is discretionary upon the conference committee because it is based on a discretionary item, independent of the budget. It is not an obligation, to my understanding, of the conference committee to come up with the money.

Mr. WARNER. I say, Mr. President, that my recollection—having had the privilege of serving as a conferee for, I think, all the 24 years I have been here—is that it has been the practice that on this type of legislation, although it is discretionary—that is, in the manpower area—it has been incumbent upon the Senate to find within our bill the \$500 million for purposes of reconciliation in the conference. That has been our practice.

Mr. MCCAIN addressed the Chair.

Mr. WARNER. If I could finish, I will then be glad to yield. If that be the case, I should like to alert colleagues that we would have to look at all the programs, the full scope and full range of all programs in our bill to generate that \$500 million. The consequences would be that in some areas there

would have to be reductions in those measures which Senators thus far have believed were secure as a part of this bill. Would I not be correct?

Mr. CLELAND. No, that is not my understanding. I say to my distinguished colleague from Virginia, my understanding is that this addresses the floor, not the ceiling. It has not been the intent and is not the intent of this amendment to take away from any other part of the Defense authorization bill. It is the intent of this amendment to authorize the services, if they so desire, to go to a new level of troop authorization if they can find the money. It is discretionary upon them and discretionary to the conference committee.

Mr. WARNER. The Senator from Arizona wished to address the issue.

Mr. MCCAIN. I wish to respond to the Senator from Virginia. We have other items in this bill—which is authorizing how many billions of dollars?

Mr. WARNER. About \$379 billion.

Mr. MCCAIN. About \$379 billion, which, in the view of most objective observers, would probably not have the priority of the men and women in the military. I know of no higher priority. That is the reason why the Senator from Georgia and I made a tough decision here, saying: Look, we will leave it up to the conference to find the money. I could give the Senator a list of projects that are authorized in this bill, which I think, according to most objective observers, many of which could be described as porkbarrel projects, which have a far lower priority than that of the men and women in the military.

We are facing an urgent problem. We are facing a serious problem. We think it deserves the attention of the Senate and, following passage, of the conference. It is not unusual to put in a provision on the floor that is not funded. That is why we do have conferences. Certain tradeoffs are made. There will be tradeoffs made between the conferees from the Senate and the House.

I understand the difficulty that is entailed, but I also understand better the difficulty that right now the men and women in the military are having in carrying out their functions, their duties, and their missions.

I hope the Senator will understand that we believe this issue is transcendent to a \$500 million out of a \$379 billion piece of legislation.

I thank my friend from Virginia. I understand it places a very tough burden on both the Senator from Virginia and the Senator from Michigan, who will be in charge of carrying this bill through the conference. I thank my colleague.

Mr. LEVIN. Will the Senator from Virginia yield?

Mr. WARNER. Yes.

Mr. LEVIN. The Senator from Georgia and the Senator from Arizona have identified a very critical unmet need. In fact, the Army has already indicated



it is going to try within its own funds to increase its end strength. So by the time we actually get to conference, we may find that they have already achieved what this amendment urges them to do and authorizes them to do.

That is the point, No. 1.

No. 2, it seems very clear from the answers of the Senator from Georgia that this is a discretionary matter—that it does not raise the floor; it raises the ceiling, unlike the House, which does raise the floor. The amendment of the Senator from Georgia raises the ceiling but leaves the floor where it is. Therefore, the discretion remains.

Given those clear responses I think this amendment is something we should support because I think the responses leave the discretion with the Department of Defense, unlike the House bill. That makes this a conferenceable item.

Mr. WARNER. If I could ask my chairman, and, indeed, the sponsors, I am sympathetic to what our two colleagues are trying to do. What I am endeavoring to do is make clear the responsibility of the conferees once we get there. That is my basic concern because I have an obligation, as, indeed, my chairman does, in the conference to try to protect the integrity of the Senate bill, which has hundreds of different items from throughout this Chamber on both sides of the aisle.

What is the chairman's view? Are we or are we not obligated? I believe, with the traditions of the past, that the Senate conferees would be obligated to find the 1-2 billion dollars. What is the chairman's view on that?

Mr. LEVIN. That we should also try to maintain the Senate position on this, which is that the ceiling would be raised and the floor would not be raised. That remains. It leaves it as a discretionary matter, as the Senator from Georgia clearly said, with the Department of Defense.

We would do our best, as we always have, to find the funding for that higher level. We may leave it up to the military to find it within their own funds with the direction from us in report language—the conference managers' language directing the military to find it within their own funds.

There are a lot of possibilities.

But the point the Senator from Georgia made, and the Senator from Arizona as cosponsor made, it seems to me, is that it is unassailable that we have overused our reservists. We have to find a way to correct that. This is an effort to push us in that direction. It leaves it as a conferenceable issue because the floor in the House is raised to where the ceiling is, but in the Senate bill, with the amendment of the Senator from Georgia, if adopted, the floor remains the same. It is the ceiling which is raised.

It gives us some important added impetus to add end strength—as it should.

I think we all agree that we have to find a way to do this in order to reduce the overuse of reservists.

Mr. WARNER. Mr. President, I have another question for the chairman and the sponsors. Again, I am sympathetic to what we are trying to do. But at the same time, I find within the existing framework of the law—that is title X—I would like to read that:

Section (c) item (1) increase the end strength authorized pursuant to subsection (a)(1)(B) for a fiscal year for any of the armed forces by a number equal to not more than 2 percent of that end strength.

The existing law gives the Secretary of Defense the right to go to not only the end strength submitted by our two colleagues—that is roughly 1 percent over the current table in our bill—but could go to even another percent of 2 percent.

It is not clear to this Senator exactly what the pending amendment does that the Secretary does not already have the authority to do. Everything that the pending amendment, one way or another, urges be done, he has the right. I say this respectfully to the distinguished Senator from Michigan, our chairman.

Yesterday, on missile defense, let's say it was a top priority of the Senate to focus this, as the Senator from Arizona said, to cure the problems associated. Fine. I have no objection to that. But I do not like to see the Senate adopt an amendment which does nothing to change the authority of the Secretary of Defense under the existing law.

The question is, What does this amendment do that existing law does not permit the Secretary of Defense to do?

Mr. LEVIN. I would say there are two answers to that.

First, since this would be a new level—a new ceiling—the Secretary of Defense would have authority to go 2 percent above this additional level. The ceiling would be higher. So the Secretary would have that same discretionary 2 percent, but it would be above a higher ceiling.

That is the first answer.

The second answer, it seems to me, is that the Senator from Georgia and the Senator from Arizona have identified in their amendment a problem which we all understand exists, and they have focused this issue into an amendment.

That amendment, if adopted, it seems to me, gives additional momentum. We have to seek new ways to try to meet that end strength—to try to fund it. We have to look to additional ways to try to fund it because the tradition which the Senator from Virginia pointed out is that we have traditionally funded the authorized end strength. That means we have one of two options, or three. Either we have to tell the Department of Defense that they have to find the funds to do this within their own funds or we have to find the funds to do it at our own conference, or the third option is that we would begin a new tradition, which is that we don't fund the authorized level. That would be the least desirable of all three.

But, nonetheless, it would be a new tradition.

Let me just sort of summarize that. We can either direct inside of our conference report that the Department of Defense fund the authorized end strength with the amendment of the Senator from Georgia, or we can find the funds ourselves to do that in conference, or we can just simply not follow the tradition, which I happen to think is a good tradition, but, nonetheless, is an option.

Mr. WARNER. If I understood my chairman, one of the options is to direct the Department to fund the levels in this amendment.

Mr. LEVIN. Within their own funds.

Mr. WARNER. I understand that. But clearly the Secretary of Defense may not exercise the discretion which our colleague from Georgia leaves in place to go to that end strength. So we can't direct them to do something unless the Secretary of Defense takes a prior action; that is, exercise the discretion to go to this new end strength level. Am I not correct?

Mr. LEVIN. I think our conference could actually direct the Secretary of Defense to do it out of their own funds. I think that is an option.

Mr. WARNER. But still under the amendment of the Senator from Georgia maintains the discretion to go to new levels or not.

Mr. LEVIN. That is right. I am talking about what the conference report does. The Senator's amendment leaves that discretion there. But because of the tradition, we fund that authorized level, which the Senator from Virginia has pointed out, and we may decide to look to a different approach which would be to direct the Secretary of Defense to meet that level out of his own funds. It is a different approach, but it is an important amendment.

Mr. WARNER. Mr. President, that is an entirely different step with the conference taking that action. Then we would be taking the discretion away from the Secretary that he now has with regard to these end strengths. I would not favor that because of the following reasons: We reposed by law, in the Constitution, the Commander in Chief who in turn selects his Secretary of Defense. I think they must be given the maximum latitude possible as the executive branch. They are the managers.

I am always concerned when the Congress tries to mandate that they should do A, B, or C when it is their collective judgment that A, B, or C not be done.

I hope in the conference we don't reach that. But let me just point out the following.

Mr. LEVIN. If the Senator will yield on that point, we do mandate end strength. It is called the floor.

Mr. WARNER. With discretion.

Mr. LEVIN. No, not on the floor.

Mr. WARNER. I understand. But when we put in our end strength, the Secretary still has the discretion. To the credit of our Secretary, he has, if I



understand—and I pose this to the Senator from Georgia as a question—already exercised his discretion with regard to the Marine Corps, and has gone to that level with the Marine Corps and found the funding to achieve it in this bill.

Am I not correct?

Mr. CLELAND. As the Senator pointed out, it was in the President's budget request—that the only increase in personnel asked for was about 2,300 personnel in the Marine Corps. That is in the President's budget. That is a request of us which we accede to in this Defense authorization bill.

My amendment says, in effect, that basically this is inadequate. Other services need additional strength, and this authorizes the services to go to a higher end strength if they can find the money.

Mr. WARNER. Fine. But am I not correct that the Secretary has already taken the action to meet the purport of the amendment by the Senator from Georgia as regards the Marine Corps?

Mr. CLELAND. It seems to me the President of the United States, in his budget, authorized 2,300 additional personnel and gave the money for that, and we have included that in the Defense authorization bill. What this amendment says is that in the collective judgment of those of us who are involved in this personnel debate, that is not adequate enough to meet the needs of our commitments, especially in this new war we are fighting.

You can see here the tremendous imbalance we have presently. These lines shown on the chart have to begin coming together. We have to begin matching our personnel with our commitments or else we will continue to strain our personnel to the limit. That is why we have the authorization for the Army, the Navy, and the Air Force, as well as the Marine Corps, to go to a higher level.

Mr. WARNER. Mr. President, that was essentially a reiteration of your basic argument for the amendment.

My question was very narrow, very focused, and required, really, a yes or no answer.

Has not the President already, with the Secretary of Defense preparation of the budget, reached the figures for the Marine Corps with an increase and paid for it?

Mr. CLELAND. The Senator is correct.

Mr. WARNER. That is all I wanted to establish. So that shows the Secretary of Defense is proceeding in an orderly manner, at least with one service, to achieve the goals the Senator from Georgia has been reciting.

Mr. CLELAND. The Senator is correct.

Mr. WARNER. Fine. And it is my thought that in due course the Secretary of Defense will address each of the other services. So long as it is my understanding from this important colloquy that in no way does your amendment alter title X, alter that discretion, then, Mr. President, I shall not bring up my second-degree amendment to it. The purposes of that amendment

have been achieved during the course of this colloquy.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Michigan.

Mr. LEVIN. Mr. President, I hope we can now adopt this amendment.

I thank the Senator from Georgia for his persistence on this issue. He has identified a critically important unmet need for this country. We have reservists who have been away from their jobs for a much longer period of time than anyone intended. We have to address that issue.

The Army has told us they are going to do their best to address this issue. The Navy has listed the increase in end strength as their No. 1 unfunded priority.

So I think the need is there. The focus upon this unmet need by the Senators from Georgia and Arizona will help us to, hopefully, advance this to the point where we can actually find the funds for the increase in end strength. One way or the other, we have to address this issue.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the concerns of the Senator from Virginia, and perhaps others, have been satisfied. We are prepared to accept the amendment on a voice vote.

Mr. CLELAND. Mr. President, I thank the distinguished Senator from Virginia for his colloquy which has clarified this issue. It has helped gain support for the amendment. I thank the distinguished chairman, Senator LEVIN, for his help. And I thank especially my colleague, Senator MCCAIN, for pushing this issue forward.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not the question is on agreeing to amendment No. 4033.

The amendment (No. 4033) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3975

Ms. LANDRIEU. Mr. President, I would like to call up amendment No. 2514, which I understand has already been recommended for inclusion in the managers' package and has been cleared on both sides.

The PRESIDING OFFICER. Would the Senator restate the amendment number, please.

Ms. LANDRIEU. Mr. President, I will send that amendment up in just a moment. But I understand this amendment has been accepted on both sides and may be included in the managers' package. I want to take a minute to explain this amendment in a little more detail, if I may.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Mr. President.

The underlying amendment we have been considering in regard to this particular subject has to do with our shipbuilding program and the importance of our Navy to the strength of our forces.

Let me first, though, thank Senator CLELAND and Senator MCCAIN for their very excellent work in calling to our attention another shortage, if you will, which is our end strength, our shortage of personnel, of people we can actually send to the front lines, wherever those front lines might be. More and more, it is clear to us some of those front lines might be here on our own home soil, but also we need men and women to support our soldiers and sailors and airmen who have to be deployed miles and miles away from our homeland.

So I thank them for their good work. I am proud to be able to support that amendment as well.

But I bring to the Senate this particular amendment on shipbuilding because it points to yet another unfortunate shortfall of our overall defense structure. Now is a time when we really have to focus and make tough decisions about how we are going to allocate these resources, again trying to meet the President in his total budget request, which this Senate has done, this Congress has done, and is in the process of doing under the leadership of Senator LEVIN and Senator WARNER.

But within that total amount we are allocating for defense, there is some real debate about how that money should be allocated and spent, and that is what this broad debate is about.

One of the issues I want to spend a few minutes speaking about is shipbuilding. I would like to begin by reading into the RECORD just a short clip from the American Shipbuilding Association entitled "The Defense Shipbuilding Industrial Base—An Industry At Risk," which was written in May of 2001.

This report says:

In 1987, the United States had a naval fleet of 594 ships. Today, the fleet numbers 316 and is dropping. The annual numbers of naval ships procured is at the lowest level since 1932; the size of the Navy's fleet is the smallest since the year before we entered World War I; and while the fleet has been cut almost in half, the number of overseas deployments has increased 300 percent.

As you can see from the chart, this is one of our mighty aircraft carriers and is one of the Navy's pride and joy. We just do not have enough aircraft carriers and other different elements of our fleet.

This report goes on to say:

Our Commanders-in-Chief are on record that they cannot meet the Nation's military and foreign policy strategy with a fleet of less than 360 ships, yet Navy budgets [we are considering today] are providing for a fleet of fewer than 200 ships.

This is unacceptable. It cannot stand. We need to change these trend lines.

Continuing:

This disconnect between national requirements and budgets increases the risk of instability in many regions of the world, jeopardizes the lives of Americans, jeopardizes our economic prosperity, and threatens our peace and national security.

The historically low rate of naval ship production over the past eight years has also severely weakened the very industry upon which the Navy depends today and tomorrow for its ships. If decisive action is not taken now to reverse the decline in naval ship production, the Nation [could potentially] lose the industrial capability to restore the fleet to the level the Nation requires to maintain global peace and stability.

It is the role of our military leaders to define the forces they require to meet their military missions.

Let me tell you why this is important as related to the Navy, let's say, and the production of airplanes for our Air Force.

There is a difference, not that we don't need both; we need a robust Air Force as well as a robust Navy. But the way that we prepare and build and invest is different. Because of the magnitude of ships, because we don't order them by the thousands, we order them by tens and twenties, not thousands, the same sort of procedures cannot be effectively applied. We need to understand those differences.

This report goes on to say:

For example, a fighter pilot or commercial passenger is in an airplane for only a limited number of hours, whereas a ship is a self-sustained city at sea that serves as home to sailors for months on end. The production time of an airplane is measured months, the production time of a ship is measured in years. With respect to government orders, the airplanes of the same design are bought in quantities of hundreds whereas ships are procured in quantities of tens or even less, and each ship of a class is highly customized. The same holds true in commercial transactions, where only one or two ships of the same design will be bought by an individual customer and each customer demands customized designs. Airlines buy quantities of aircraft that are in production for commercial market in competition with other models being produced. Another major difference is that there are a limited number of countries with airplane manufacturers versus the number of countries with shipbuilders. Therefore, there are many more international competitors for ship orders than for planes.

Given these differences, it is not surprising that a Department of Defense acquisition policy tailored for planes will not work for ships.

Therefore, I have offered this amendment which will help to move us in a direction to increase our production level and turn around the disturbing trend line.

The next chart I have illustrates the trend line. We have been on a shipbuilding program. We were well on our way in 1997 to 1998, 1999 and 2000, moving up. No one has worked harder than Senator KENNEDY, who is the chair of this subcommittee and has added to the President's budget some significant shipbuilding, and the Presiding Officer, as chairman of the Armed Services Committee, has done an outstanding job trying to change this trend line.

This amendment, which has been accepted, will make this trend line go in

a more positive direction. As you know, there is a great need.

There is an old quote about the military that says: When it comes to debating matters of war, it is the amateurs who talk about strategies and the experts who talk about logistics. This is because so much of the planning that goes into war is centered on two simple questions: How are we going to get the troops to the fight; and how are we going to supply them once they get there?

The answer to both of these questions is a strong and robust Navy. The conflict in Afghanistan today clearly demonstrates this.

Again, not to say that the Air Force and the Army don't have to meet spectacular and important missions, but we cannot be the strong and vital force we need to be to fight this war on terrorism, to support our allies around the world, and to project power around the world without a robust Navy. This amendment will help us to move in that direction.

In an environment where we cannot afford basing rights for our troops, the ships of our Navy become floating sovereign bases a world away from American soil. Our campaign in Afghanistan proves this point. Currently, 30 percent of our Navy is deployed in support of Operation Enduring Freedom, and a majority of our fighter sorties, 85 percent flown over Afghanistan, were sea-based. So if we don't have the ships to serve, not only as supply lines but as places where our troops can be secured while they carry out the missions and the battle, we will be seriously crippled in our efforts.

All of the Marines and many special operations troops that have served in Afghanistan were based on ships. There is no doubt if we did not have a sizable Navy, we would not be able to execute as well as we are in our Afghanistan campaign.

Furthermore, there is no doubt that even with a 318-ship Navy, it has been stretched very thin. Even though we are in a time of war and even though we are about to approve the largest increase in defense spending in the last two decades, we are simply not procuring naval ships at a rate that will sustain a strong Navy in the future. If the size of our Navy fleet continues to decline, I fear we will not be able to carry out the missions before us.

Essentially, this amendment states that it is a national policy of the United States to maintain a strong and robust Navy, with the appropriate number of ships to protect our interests both at home and abroad. Congress has done this before in asserting our policy regarding missile defense, which we have just successfully debated and on which we have come to consensus.

This amendment would require the Secretary of Defense to lay out the budgetary plans necessary to maintain a strong Navy. The underlying amendment requires DOD to submit an annual ship construction plan as part of

the DOD budget. Each year the Secretary of Defense must provide a plan for the construction of combatant and support ships that support the national security strategy or, if we have no such strategy, will support what is called for in the QDR, the Quadrennial Defense Review.

If the national security strategy or the QDR, if it calls for 318 ships, or if it would call for 375 ships with 12 carrier groups and 12 amphibious ready groups, as Admiral Clark, Chief of Naval Operations, has testified to as recently as February, whatever number is decided on, the Secretary must provide in detail budget plans for the construction of these ships.

Of course, it looks out over 30 consecutive years. It is not something we are trying to do next year. This amendment will require the details of such plan to be included. It is consistent with and strengthens the underlying bill, on which the Presiding Officer has worked so hard and effectively. The plan must describe the necessary ship force, how many carriers, submarines, destroyers, transport ships, et cetera.

It also requires that the estimated levels of funding necessary to carry out the plan and a discussion of the procurement strategies on which the estimated funding levels are based.

Finally, it requires a certification from the Secretary of Defense. The Secretary must certify that both the current budget and the future year's defense programs submitted to Congress provide for funding ship construction for the Navy at a level that is sufficient for the procurement of ships provided for in the plan.

I am pleased this amendment was accepted. Shipbuilding is important to our overall defense plan. The industry itself is important to so many of our States, our industrial complex from California to Maine to Louisiana. As a Senator from Louisiana, I am particularly proud of what our companies and our businesses, both large and small, contribute to the shipbuilding strength and capability of America.

From a defense perspective, as well as an industrial base perspective, as well as from economic strength, this amendment is very important as we structure a Department of Defense that can fight the new wars, that can take us to new places in ways that we can be confident we can fight and stand strong for American values and democracy for ourselves, for our interests, and to help our allies around the world.

We fight every day to get good, solid land bases to operate. We are going to build or are in the process of building some of the finest airplanes ever created. Those are important to our Army and our Air Force. But our Navy cannot be shortchanged. If it is, it will be to our peril and to democracies everywhere.

We are fighting battles where we have no land bases from which to launch and supplies cannot be moved across land. They have to be based on

the sea. We cannot do that without a strong Navy.

For Louisiana, this is important, but it is much bigger than our State. It is important to the Nation.

So I thank the Senate for their acknowledgement of the importance of this amendment. I also thank the subcommittee, led by Senator KENNEDY, who, through his hard work, has added three ships to the underlying budget. We added a submarine, a DDG-51, and a LPD-17.

I also thank Senator REED for his work on shipbuilding. He has done an outstanding job. Again, we have added to the President's request. I was proud to support that in the underlying bill. This amendment takes us a step even further to make sure our Navy is strong, robust, and can support the great work and great mission of our armed services and our defense.

(Mrs. CLINTON assumed the chair.)

Mr. LEVIN. Will the Senator yield for a quick comment?

Ms. LANDRIEU. Yes.

Mr. LEVIN. I congratulate the Senator on her amendment, which we have accepted. It takes an important step in assuring that we are going to have the kind of Navy that we need, for which our Quadrennial Defense Review provides. Her amendment is going to help us get to the point we must reach that not only identifies the need, but the roadmap. Her amendment makes an important contribution.

As chairman of the Emerging Threats Subcommittee, she has become a true expert. She was way ahead of her time in identifying the threats that have befallen us. As chair of that subcommittee, she has become an expert on the Navy. Her contribution to the committee is immense, and I thank her for that.

Ms. LANDRIEU. I thank the chairman. I wish to acknowledge the work of the Senator from Virginia as well, who, of course, led the Navy as Secretary of the Navy for many years and now serves in such a distinguished capacity. Truly, his voice has been one, over the last several decades, that has helped to keep our Navy strong. He was instrumental in helping us make some real progress in this area of the underlying bill.

I thank the Senator from Virginia for his support of this amendment because without his support we would not have been able to adopt it. I thank him for the work he does on shipbuilding for our Nation.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I thank our colleague, a valued member of the committee.

We can clear two amendments; am I correct?

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, we will continue to clear amendments. The Senator from Virginia was on the floor with the distinguished majority whip last night clearing a package of amendments. The amendment I am going to offer was in that package. Simply because of clerical oversight—and staff had worked 15 hours yesterday—it was dropped.

#### AMENDMENT NO. 4169

Mr. WARNER. Madam President, I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is in order.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 4169.

Mr. WARNER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To temporarily authorize higher partial basic allowance for housing for certain members assigned to privatized housing)

On page 130, between lines 6 and 7, insert the following:

#### **SEC. 604. TEMPORARY AUTHORITY FOR HIGHER RATES OF PARTIAL BASIC ALLOWANCE FOR HOUSING FOR CERTAIN MEMBERS ASSIGNED TO HOUSING UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

(a) AUTHORITY.—The Secretary of Defense may prescribe and, under section 403(n) of title 37, United States Code, pay for members of the Armed Forces (without dependents) in privatized housing higher rates of partial basic allowance for housing than those that are authorized under paragraph (2) of such section 403(n).

(b) MEMBERS IN PRIVATIZED HOUSING.—For the purposes of this section, a member of the Armed Forces (without dependents) is a member of the Armed Forces (without dependents) in privatized housing while the member is assigned to housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code.

(c) TREATMENT OF HOUSING AS GOVERNMENT QUARTERS.—For purposes of section 403 of title 37, United States Code, a member of the Armed Forces (without dependents) in privatized housing shall be treated as residing in quarters of the United States or a housing facility under the jurisdiction of the Secretary of a military department while a higher rate of partial allowance for housing is paid for the member under this section.

(d) PAYMENT TO PRIVATE SOURCE.—The partial basic allowance for housing paid for a member at a higher rate under this section may be paid directly to the private sector source of the housing to whom the member is obligated to pay rent or other charge for residing in such housing if the private sector source credits the amount so paid against the amount owed by the member for the rent or other charge.

(e) TERMINATION OF AUTHORITY.—Rates prescribed under subsection (a) may not be paid under the authority of this section in con-

nection with contracts that are entered into after December 31, 2007, for the construction or acquisition of housing under the authority of subchapter IV of chapter 169 of title 10, United States Code.

Mr. WARNER. Madam President, this is an amendment requested by the Department of Defense relating to certain basic allowances for housing in order to facilitate efforts to construct barracks for the most junior enlisted personnel. I understand it has been cleared on the other side.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4169) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4170

Mr. WARNER. Madam President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 4170.

Mr. WARNER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside \$20,000,000 for the disposal of obsolete vessels of the National Defense Reserve Fleet)

At the end of subtitle A of title III, add the following:

#### **SEC. 305. DISPOSAL FOR OBSOLETE VESSELS OF THE NATIONAL DEFENSE RESERVE FLEET.**

Of the amount authorized to be appropriated by section 301(a)(2) for operation and maintenance for the Navy, \$20,000,000 may be available, without fiscal year limitation if so provided in appropriations Acts, for expenses related to the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet.

Mr. WARNER. Madam President, this amendment relates to the MARAD obsolete vessels, which are currently in the James River and are becoming a very serious hazard to the environment. I spoke earlier this morning with the chairman of the Commerce Committee, Senator HOLLINGS. He agrees that this amendment is in the interest of all parties and expresses his support for it.

The amendment would simply transfer a certain sum of money—the same sum having been designated in the House bill—for the purpose of enabling MARAD to proceed to correct this potential environmental problem and, hopefully, removing these vessels at the earliest possible date.

Madam President, this amendment would make additional funding available in fiscal year 2003 for the disposal of obsolete vessels in the National Defense Reserve Fleet, also known as the

"Ghost Fleet." Because of their interest in this issue, I have worked with Senators HOLLINGS and MCCAIN to develop this amendment and believe that I have their support. Both Senators, however, have made it clear that the funding language for disposal of obsolete National Defense Reserve Fleet vessels included in section 3501 of H.R. 4546 is preferred to the funding language included in this amendment. I appreciate your concerns and will ensure that these concerns are considered in conference.

Since 1994, the Maritime Administration or MARAD has been compelled to rely exclusively on the domestic scrapping market because of environmental concerns related to overseas ship sales and scrapping. Until October 2000, however, MARAD was statutorily prohibited from paying for scrapping services, which effectively precluded the use of the domestic market. After the prohibition was removed, MARAD disposal efforts were further hampered by inadequate funding.

The amendment provides that \$20 million be made available for MARAD disposal of obsolete vessels, an \$8.9 million increase to the budget request. The additional funding will address a funding shortfall and hopefully help to avoid an environmental nightmare.

There are 135 obsolete vessels in the fleet slated for scrapping, 29 of those vessels are considered a high risk to the environment, and 23 of those high risk vessels are located in the James River near Ft. Eustis, Virginia. Such vessels contain large amounts of oil contamination and other hazardous substances, such as asbestos and polychlorinated biphenyls (PCBs). These vessels pose a risk to the environment because their advance age and poor condition could result in the release of hazardous substances near sensitive environmental habitats.

A growing number of regulators, marine inspectors, environmentalists, and workers who oversee the "Ghost Fleet" suggest that an environmental disaster is likely—if not imminent. In 1999, the fleet barely survived the 40 mph winds and rough water caused by Tropical Storm Floyd. Although none of the vessels leaked, 30 vessels broke away from their moorings resulting in a two week recovery effort and a \$3 million investment in a new mooring system. Given the current condition of the fleet, disaster may occur with or without another severe storm. For example, the *Mormac Wave* is a 40-year old retired cargo carrier with peeling lead paint and thick, jet black oil that has leaked from holding tanks to form a 3-foot-deep lagoon in the rusted hull of the vessel. Although workers who maintain the *Wave* and other deteriorated vessels endeavor to keep the nightmare from becoming a reality, they are fighting a losing battle.

As a result, it is vital that Congress ensure that MARAD have adequate resources to address this problem. It is my hope that the additional funding

authorized by this amendment will help to accelerate the scrapping of vessels that are in the worst condition, most of which are located on the James River.

Mr. LEVIN. Madam President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4170) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

#### AMENDMENT NO. 3975

Ms. LANDRIEU. Madam President, at this time I call up amendment No. 3975.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3975.

Ms. LANDRIEU. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for military charters between military installations and local school districts, to provide credit enhancement initiatives to promote military charter school facility acquisition, construction, and renovation, and for other purposes)

At the end of division A, add the following new title:

### TITLE XIII—MILITARY CHARTER SCHOOLS

#### Subtitle A—Stable Transitions in Education for Armed Services' Dependent Youth

##### SEC. 1301. SHORT TITLE.

This subtitle may be cited as the "Stable Transitions in Education for Armed Services' Dependent Youth Act".

##### SEC. 1302. FINDINGS.

Congress finds that—

(1) States are establishing new and higher academic standards for students in kindergarten through grade 12;

(2) no Federal funding streams are specifically designed to help States and school districts with the costs of providing military or mobile students who are struggling academically, with the extended learning time and accelerated curricula that the students need to meet high academic standards;

(3) forty-eight States now require State accountability tests to determine student grade-level performance and progress;

(4) nineteen States currently rate the performance of all schools or identify low-performing schools through State accountability tests;

(5) sixteen States now have the power to close, take over, or overhaul chronically failing schools on the basis of those tests;

(6) fourteen States provide high-performing schools with monetary rewards on the basis of those tests;

(7) nineteen States currently require students to pass State accountability tests to graduate from secondary school;

(8) six States currently link student promotion to results on State accountability tests;

(9) thirty-seven States have a process in place that allows charters to be a useful tool to bridge the gap created by frequent school changes;

(10) excessive percentages of students are not meeting their State standards and are failing to perform at high levels on State accountability tests; and

(11) among mobile students, a common thread is that school transcripts are not easily transferred and credits are not accepted between public school districts in the United States.

#### SEC. 1303. PURPOSE.

The purpose of this subtitle is to provide Federal support through a new demonstration program to States and local educational agencies, to enable the States and local educational agencies to develop models for high quality military charter schools that are specifically designed to help mobile military dependent students attending public school make a smooth transition from one school district to another, even across State lines, and achieve a symbiotic relationship between military installations and these school districts.

#### SEC. 1304. DEFINITIONS.

In this subtitle:

(1) **ELEMENTARY SCHOOL; SECONDARY SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.**—The terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **MILITARY INSTALLATION.**—The term "military installation" has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(3) **MILITARY DEPENDENT STUDENT.**—The term "military dependent student" means an elementary school or secondary school student who has a parent who is a member of the Armed Forces, including a member of a reserve component of the Armed Forces, without regard to whether the member is on active duty or full-time National Guard duty (as defined in section 101(d) of title 10, United States Code).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Defense.

(5) **STUDENT.**—The term "student" means an elementary school or secondary school student.

#### SEC. 1305. GRANTS TO STATES.

(a) **GRANTS AUTHORIZED.**—

(1) **IN GENERAL.**—From amounts appropriated under section 1310, the Secretary, in consultation with the Secretary of Education, shall establish a demonstration program through which the Secretary shall make grants to State educational agencies, on a competitive basis, to enable the State educational agencies to assist local educational agencies in establishing and maintaining high quality military charter schools.

(2) **DISTRIBUTION RULE.**—In awarding grants under this subtitle the Secretary shall ensure that such grants serve not more than 10 States and not more than 35 local educational agencies with differing demographics.

(3) **SPECIAL LOCAL RULE.**—

(A) **NONPARTICIPATING STATE.**—If a State chooses not to participate in the demonstration program assisted under this subtitle or does not have an application approved under subsection (c), then the Secretary may award a grant directly to a local educational agency in the State to assist the local educational agency in carrying out high quality military charter schools.

(B) **LOCAL EDUCATIONAL AGENCY APPLICATION.**—To be eligible to receive a grant under this paragraph, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(C) **REGULATIONS.**—The Secretary shall promulgate such regulations as the Secretary determines necessary to carry out this paragraph.

(b) **ELIGIBILITY AND SELECTION.**—

(1) **ELIGIBILITY.**—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

(A) have in effect all standards and assessments required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311);

(B) compile and annually distribute to parents a public school report card that, at a minimum, includes information on student and school performance for each of the assessments required under section 1111 of the Elementary and Secondary Education Act of 1965;

(C) require each military charter school assisted under this subtitle to be an independent public school;

(D) require each military charter school assisted under this subtitle to operate under an initial 5-year charter granted by a State charter authority, with specified check points and renewal, as required by State law; and

(E) require each military charter school assisted under this subtitle to participate in the State's testing program.

(2) **SELECTION.**—In selecting State educational agencies to receive grants under this section, the Secretary shall make the selections in a manner consistent with the purpose of this subtitle.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) **CONTENTS.**—Such application shall include—

(A) information describing specific measurable goals and objectives to be achieved in the State through the military charter schools carried out under this subtitle, which may include specific measurable annual educational goals and objectives relating to—

(i) increased student academic achievement;

(ii) decreased student dropout rates;

(iii) governance, parental involvement plans, and disciplinary policies;

(iv) a military charter school admissions policy that requires a minimum of 60 percent military dependent elementary school or secondary school students, and a maximum of 80 percent of military dependent students, except where such percentages are impossible to maintain because of the demographics of the area around the military installation;

(v) liability and other insurance coverage, business and accounting practices, and the procedures and methods employed by the chartering authority in monitoring the school; and

(vi) such other factors as the State educational agency may choose to measure; and

(B) information on criteria, established or adopted by the State, that—

(i) the State will use to select local educational agencies for participation in the military charter schools carried out under this subtitle; and

(ii) at a minimum, will assure that grants provided under this subtitle are provided to—

(I) the local educational agencies in the State that are sympathetic to, and take actions to ease the transition burden upon, such local educational agencies' military dependent students;

(II) the local educational agencies in the State that have the highest percentage of military dependent students impacting the local school system or not meeting basic or minimum required standards for State assessments required under section 1111 of the Elementary and Secondary Education Act of 1965; and

(III) an assortment of local educational agencies serving urban, suburban, and rural areas, and impacted by a local military installation.

#### **SEC. 1306. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

(a) **IN GENERAL.**—

(1) **FIRST YEAR.**—Except as provided in paragraph (3), for the first year that a State educational agency receives a grant under this subtitle, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of planning for or carrying out the military charter school programs.

(2) **SUCCEEDING YEARS.**—Except as provided in paragraph (3), for the second and third year that a State educational agency receives a grant under this subtitle, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the military charter school programs.

(3) **TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.**—The State educational agency may use not more than 5 percent of the grant funds received under this subtitle for a fiscal year—

(A) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the local educational agencies for the programs;

(B) to enable the local educational agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

(C) to assist the local educational agencies in evaluating activities carried out under this subtitle.

(b) **APPLICATION.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the Secretary or the State educational agency may require.

(2) **CONTENTS.**—Each such application shall include, to the greatest extent practicable—

(A) information that—

(i) demonstrates that the local educational agency will carry out a military charter school program funded under this section—

(I) that provides intensive high quality programs that are aligned with challenging State content and student performance standards, and that is focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

(II) that focuses on accelerated learning, rather than remediation, so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments

required under section 1111 of the Elementary and Secondary Education Act of 1965;

(III) that is based on, and incorporates best practices developed from, research-based charter school methods and practices;

(IV) that has a proposed curriculum that is directly aligned with State content and student performance standards;

(V) for which only teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the program;

(VI) that offers to staff in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

(VII) that incorporates a parental involvement component that seeks to involve parents in the program's topics and students' daily activities; and

(ii) may include—

(I) the proposed curriculum for the military charter school program;

(II) the local educational agency's plan for recruiting highly qualified and highly effective teachers to participate in the program; and

(III) a schedule for the program that indicates that the program is of sufficient duration and intensity to achieve the State's goals and objectives described in section 1305(c)(2)(A);

(B) an outline indicating how the local educational agency will utilize applicable Federal, State, local, or public funds, other than funds made available through the grant, to support the program;

(C) an explanation of how the local educational agency will ensure that the instruction provided through the program will be provided by qualified teachers;

(D) an explanation of the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided for staff of the program;

(E) an explanation of the facilities to be used for the program;

(F) an explanation regarding the duration of the periods of time that students and teachers in the program will have contact for instructional purposes (such as the hours per day and days per week of that contact, and the total length of the program);

(G) an explanation of the proposed student-to-teacher ratio for the program, analyzed by grade level;

(H) an explanation of the grade levels that will be served by the program;

(I) an explanation of the approximate cost per student for the program;

(J) an explanation of the salary costs for teachers in the program;

(K) a description of a method for evaluating the effectiveness of the program at the local level;

(L) information describing specific measurable goals and objectives, for each academic subject in which the program will provide instruction, that are consistent with, or more rigorous than, the adequate yearly progress goals established by the State under section 1111 of the Elementary and Secondary Education Act of 1965;

(M) a description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement;

(N) a description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the local educational agency for the program, from the State educational agency or other entities with demonstrated success in using the curriculum; and

(O) a statement of a clearly defined goal for providing counseling and other transition

burden relief for military dependent children.

(c) **PRIORITY.**—In making grants under this section, the State educational agency shall give priority to local educational agencies that demonstrate a high level of need for the military charter school programs.

(d) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Federal share of the cost described in subsection (a) is 50 percent.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

#### **SEC. 1307. SUPPLEMENT NOT SUPPLANT.**

Funds appropriated pursuant to the authority of this subtitle shall be used to supplement and not supplant other Federal, State, local, or private funds expended to support military charter school programs.

#### **SEC. 1308. REPORTS.**

(a) **STATE REPORTS.**—Each State educational agency that receives a grant under this subtitle shall annually prepare and submit to the Secretary a report. The report shall describe—

(1) the method the State educational agency used to make grants to eligible local educational agencies and to provide assistance to schools under this subtitle;

(2) the specific measurable goals and objectives described in section 1305(c)(2)(A) for the State as a whole and the extent to which the State met each of the goals and objectives in the year preceding the submission of the report;

(3) the specific measurable goals and objectives described in section 1306(b)(2)(L) for each of the local educational agencies receiving a grant under this subtitle in the State and the extent to which each of the agencies met each of the goals and objectives in that preceding year;

(4) the steps that the State educational agency will take to ensure that any such local educational agency that did not meet the goals and objectives in that year will meet the goals and objectives in the year following the submission of the report, or the plan that the State educational agency has for revoking the grant awarded to such an agency and redistributing the grant funds to existing or new military charter school programs;

(5) how eligible local educational agencies and schools used funds provided by the State educational agency under this subtitle;

(6) the degree to which progress has been made toward meeting the goals and objectives described in section 1305(c)(2)(A); and

(7) best practices for the Secretary to share with interested parties.

(b) **REPORT TO CONGRESS.**—The Secretary shall annually prepare and submit to Congress a report. The report shall describe—

(1) the methods the State educational agencies used to make grants to eligible local educational agencies and to provide assistance to schools under this subtitle;

(2) how eligible local educational agencies and schools used funds provided under this subtitle; and

(3) the degree to which progress has been made toward meeting the goals and objectives described in sections 1305(c)(2)(A) and 1306(b)(2)(L).

(c) **GOVERNMENT ACCOUNTING OFFICE REPORT TO CONGRESS.**—The Comptroller General of the United States shall conduct a study regarding the demonstration program carried out under this subtitle and the impact of the program on student achievement. The Comptroller General shall prepare and submit to Congress a report containing the results of the study.

#### **SEC. 1309. ADMINISTRATION.**

(a) **FEDERAL.**—The Secretary shall develop program guidelines for and oversee the dem-

onstration program carried out under this subtitle.

(b) **LOCAL.**—The commander of each military installation served by a military charter school assisted under this subtitle shall establish a nonprofit corporation or an oversight group to provide the applicable local educational agency with oversight and guidance regarding the day-to-day operations of the military charter school.

#### **SEC. 1310. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this subtitle—

- (1) \$5,000,000 for fiscal year 2003;
- (2) \$7,000,000 for fiscal year 2004;
- (3) \$9,000,000 for fiscal year 2005;
- (4) \$11,000,000 for fiscal year 2007; and
- (5) \$13,000,000 for fiscal year 2008.

#### **SEC. 1311. TERMINATION.**

The authority provided by this subtitle terminates 5 years after the date of enactment of this Act.

#### **Subtitle B—Credit Enhancement Initiatives To Promote Military Charter School Facility Acquisition, Construction, and Renovation**

#### **SEC. 1321. CREDIT ENHANCEMENT INITIATIVES TO PROMOTE MILITARY CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION.**

Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

#### **“PART E—CREDIT ENHANCEMENT INITIATIVES TO PROMOTE MILITARY CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION.**

##### **“SEC. 5701. PURPOSE.**

“The purpose of this part is to provide grants to eligible entities to permit the eligible entities to establish or improve innovative credit enhancement initiatives that assist military charter schools to address the cost of acquiring, constructing, and renovating facilities.

##### **“SEC. 5702. GRANTS TO ELIGIBLE ENTITIES.**

“(a) **GRANTS FOR INITIATIVES.**—

“(1) **IN GENERAL.**—The Secretary shall use 100 percent of the amount available to carry out this part to award grants to eligible entities that have applications approved under this part, to enable the eligible entities to carry out innovative initiatives for assisting military charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(2) **NUMBER OF GRANTS.**—The Secretary shall award not less than 4 grants under this part in each fiscal year.

“(b) **GRANTEE SELECTION.**—

“(1) **DETERMINATION.**—The Secretary shall evaluate each application submitted, and shall determine which applications are of sufficient quality to merit approval and which are not.

“(2) **MINIMUM GRANTS.**—The Secretary shall award at least—

“(A) 1 grant to an eligible entity described in section 5710(1)(A);

“(B) 1 grant to an eligible entity described in section 5710(1)(B); and

“(C) 1 grant to an eligible entity described in section 5710(1)(C),

if applications are submitted that permit the Secretary to award the grants without approving an application that is not of sufficient quality to merit approval.

“(c) **GRANT CHARACTERISTICS.**—Grants under this part shall be in sufficient amounts, and for initiatives of sufficient scope and quality, so as to effectively enhance credit for the financing of military charter school acquisition, construction, or renovation.

“(d) **SPECIAL RULE.**—In the event the Secretary determines that the funds available to carry out this part are insufficient to permit the Secretary to award not less than 4 grants in accordance with subsections (a) through (c)—

“(1) subsections (a)(2) and (b)(2) shall not apply; and

“(2) the Secretary may determine the appropriate number of grants to be awarded in accordance with subsections (a)(1), (b)(1), and (c).

#### **“SEC. 5703. APPLICATIONS.**

“(a) **IN GENERAL.**—To receive a grant under this part, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(b) **CONTENTS.**—An application submitted under subsection (a) shall contain—

“(1) a statement identifying the activities proposed to be undertaken with funds received under this part, including how the eligible entity will determine which military charter schools will receive assistance, and how much and what types of assistance the military charter schools will receive;

“(2) a description of the involvement of military charter schools in the application's development and the design of the proposed activities;

“(3) a description of the eligible entity's expertise in capital market financing;

“(4) a description of how the proposed activities will—

“(A) leverage private sector financing capital, to obtain the maximum amount of private sector financing capital, relative to the amount of government funding used, to assist military charter schools; and

“(B) otherwise enhance credit available to military charter schools;

“(5) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a military charter school program for which facilities financing is sought;

“(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that military charter schools within the State receive the funding the schools need to have adequate facilities;

“(7) an assurance that the eligible entity will give priority to funding initiatives that assist military charter schools in which students have demonstrated academic excellence or improvement during the 2 consecutive academic years preceding submission of the application; and

“(8) such other information as the Secretary may reasonably require.

#### **“SEC. 5704. MILITARY CHARTER SCHOOL OBJECTIVES.**

“An eligible entity receiving a grant under this part shall use the funds received through the grant, and deposited in the reserve account established under section 5705(a), to assist 1 or more military charter schools to access private sector capital to accomplish 1 or more of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a military charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a military charter school.

“(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a military charter school.

“(3) The payment of startup costs, including the costs of training teachers and purchasing materials and equipment, including instructional materials and computers, for a military charter school.



**"SEC. 5705. RESERVE ACCOUNT.**

"(a) IN GENERAL.—For the purpose of assisting military charter schools to accomplish the objectives described in section 5704, an eligible entity receiving a grant under this part shall deposit the funds received through the grant (other than funds used for administrative costs in accordance with section 5706) in a reserve account established and maintained by the eligible entity for that purpose. The eligible entity shall make the deposit in accordance with State and local law and may make the deposit directly or indirectly, and alone or in collaboration with others.

"(b) USE OF FUNDS.—Amounts deposited in such account shall be used by the eligible entity for 1 or more of the following purposes:

"(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5704.

"(2) Guaranteeing and insuring leases of personal and real property for such an objective.

"(3) Facilitating financing for such an objective by identifying potential lending sources, encouraging private lending, and carrying out other similar activities that directly promote lending to, or for the benefit of, military charter schools.

"(4) Facilitating the issuance of bonds by military charter schools, or by other public entities for the benefit of military charter schools, for such an objective, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple military charter school projects within a single bond issue).

"(c) INVESTMENT.—Funds received under this part and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

"(d) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this part shall be deposited in the reserve account established under subsection (a) and used in accordance with subsection (b).

**"SEC. 5706. LIMITATION ON ADMINISTRATIVE COSTS.**

"An eligible entity that receives a grant under this part may use not more than 0.25 percent of the funds received through the grant for the administrative costs of carrying out the eligible entity's responsibilities under this part.

**"SEC. 5707. AUDITS AND REPORTS.**

"(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this part shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

"(b) REPORTS.—

"(1) ELIGIBLE ENTITY ANNUAL REPORTS.—Each eligible entity receiving a grant under this part annually shall submit to the Secretary a report of the eligible entity's operations and activities under this part.

"(2) CONTENTS.—Each such annual report shall include—

"(A) a copy of the eligible entity's most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant auditing the financial records of the eligible entity;

"(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

"(C) an evaluation by the eligible entity of the effectiveness of the entity's use of the Federal funds provided under this part in leveraging private funds;

"(D) a listing and description of the military charter schools served by the eligible entity with such Federal funds during the reporting period;

"(E) a description of the activities carried out by the eligible entity to assist military charter schools in meeting the objectives set forth in section 5704; and

"(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this part during the reporting period.

"(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this part.

**"SEC. 5708. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.**

"No financial obligation of an eligible entity entered into pursuant to this part (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this part.

**"SEC. 5709 RECOVERY OF FUNDS.**

"(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

"(1) all of the funds in a reserve account established by an eligible entity under section 5705(a), if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this part, that the entity has failed to make substantial progress in carrying out the purposes described in section 5705(b); or

"(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5705(a), if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5705(b).

"(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5705(b).

"(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234, 1234a, 1234g) shall apply to the recovery of funds under subsection (a).

"(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

**"SEC. 5710. DEFINITIONS.**

"In this part:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a public entity, such as a military installation as defined in section 2687(e)(1) of title 10, United States Code;

"(B) a private nonprofit entity; or

"(C) a consortium of entities described in subparagraphs (A) and (B).

"(2) MILITARY CHARTER SCHOOL.—The term 'military charter school' has the meaning given such term by regulations promulgated by the Secretary of Defense.

**"SEC. 5711. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this part \$10,000,000 for fiscal year 2003 and each succeeding fiscal year."

**SEC. 1322. INCOME EXCLUSION FOR INTEREST PAID ON LOANS BY MILITARY CHARTER SCHOOLS.**

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139 the following new section:

**"SEC. 139A. INTEREST ON MILITARY CHARTER SCHOOL LOANS.**

"(a) EXCLUSION.—Gross income does not include interest on any military charter school loan.

"(b) MILITARY CHARTER SCHOOL LOAN.—For purposes of this section:

"(1) IN GENERAL.—The term 'military charter school loan' means any indebtedness incurred by a military charter school.

"(2) MILITARY CHARTER SCHOOL.—The term 'military charter school' means an institution defined as a military charter school by the Secretary of Defense."

(b) CONFORMING AMENDMENT.—The table of sections for such part III is amended by inserting after the item relating to section 139 the following:

"Sec. 139A. Interest on military charter school loans."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act, with respect to indebtedness incurred after the date of enactment of this Act.

Ms. LANDRIEU. Madam President, there have been many very good amendments brought to the floor that have been accepted, which have strengthened the underlying bill. I want to speak for a moment about this amendment in the hopes that, if we cannot adopt it today, at least we will begin a very serious discussion of this issue. It is an issue that the occupant of the chair has worked on very hard on in her career, and many Members on both sides of the aisle feel strongly about—that is, education and the quality of education in our country.

This particular amendment is in relation to the quality of education afforded to the hundreds of thousands of dependents of our men and women in the military. I will begin by expressing an overall thought that we are becoming wiser and wiser in Congress on this issue of education, recognizing that it truly is an issue of economic development.

It truly is an issue of strengthening our Nation. We cannot have an economically strong and militarily secure nation moving in a progressive way without an excellent school system. No matter where a child is born—rural or urban, on the east coast or west coast—if we do not do a better job as a nation of giving our children a quality education, the future of our Nation will not be as bright, and it could put us in jeopardy.

I also make the argument that for our military, the same holds true. It is not just about providing our military with the most extraordinary weapons. It is not just about training our military men and women to the highest



levels. It is not just providing them the basics in terms of fair compensation and health care. We have an obligation to make sure, when our men and women sign up to be in our military and they have made these sacrifices, that we provide them, between the Department of Defense and the Department of Education, a quality education for their children.

When we send our soldiers into battle, we want them focused on the battle and mission at hand. We do not want them worried, as they naturally would be, about spouses and dependents at home, about their happiness, about their comfort, about their security. It makes our military stronger when we provide good, quality-of-life issues for their families at home. One of the ways we can do that is by improving the schools for military dependents.

There are over 800,000 children who are military dependents out of an overall force strength of 1.4 million adults connected to the military. Many of them are school-age children. Because of the specific demands of our military, which are very unlike the civilian sector because of the way it is structured, many move every 2 years. Some military move from the east coast to the west coast, moving families with them. It is very difficult providing an excellent education generally, and yet the military has even more challenges.

What is the solution? I offer this amendment—and hopefully we will begin discussing it—to strengthen our military schools in the United States in a creative way. This amendment will set up the possibility of a pilot program to help create military charter schools around the Nation in partnership with local public school systems to provide an opportunity not only for our military dependents, but this framework will also help communities that have a large military presence. The benefit overall is that the community gets a better school, a school that has the opportunity to provide an excellent education.

The second benefit is that our military children have that opportunity, as well as the children whose families might not have any connection to the military. It gives them an introduction into what military life can be like.

This is a partnership. It is a pilot program that will help establish charter schools, and that is basically what this amendment attempts to do.

Also with this amendment, which is an important consideration for military children as they move from community to community, there is created for the first time what we call an academic passport. It helps to stabilize and standardize the curriculum without micromanaging, without dictating what the curriculum should be. It tries to set up a new approach or a new framework for our local elementary and secondary education districts for use throughout the country to set up a standardized curriculum so that if children have to move from community to

community, they can keep up as one school might require 3 years of a foreign language or 2 years of algebra or 1 year of algebra, or a whole different curriculum. That is part of this amendment. It is something about which military families feel very strongly. I hope that with this new pilot program to help create charter schools with a new academic passport, we can begin to focus some of our resources—again, not all within the Department of Defense; some of this is within the jurisdiction of the Department of Education—to create something exciting and wonderful for these 800,000 children.

Madam President, 600,000 of these children are in public schools today, at great stress sometimes to those public districts; 100,000 of these children are either in private schools or are home schooled; and only 32,000 of the 800,000 are in Department of Defense schools. As shown on this map, these schools are concentrated in a few States. There are only 32,000 children, as I said, of 800,000 dependents. Some of them are overseas; approximately 73,000 are overseas; 32,000 of our military children are in schools in New York, Kentucky, Virginia, North Carolina, South Carolina, Georgia, and Alabama.

As my colleagues can see, dependent children of military personnel are in public schools throughout the country. Sometimes they are good public schools; sometimes they are not so good. We are working hard to make every public school excellent, but I think we have a special obligation to our military families to make sure that those children are getting an excellent education.

I would like to tell you why with a chart that shows the percentage and status of degrees among the general population and our military population.

If you look at the general population, nonofficers in our military, 91.5 percent have only a high school degree or GED—91 percent. In our general population, it is about 80 percent—20 percent have college degrees or above; 75 to 80 percent have only high school. This is a very upwardly mobile group of Americans. These are men and women with great discipline, great patriotism, great commitment to the Nation. Obviously, they are serving their country, but they are committed to their families and their communities.

As one can see, the officers exceed the general population at large. Almost 40 percent have advanced degrees; 50 percent or more have bachelor degrees. This is a very upwardly mobile population. If we can provide excellent schools and opportunities for this 91 percent, I think we will be doing a very good job in helping to strengthen our military but also helping our country be a better place. It is truly something on which we should focus more.

In conclusion, let me show a picture of a school of which I am very proud. It might be one of the first military charters, if not the first, in the Nation.

This is a school we are building and will actually be cutting the ribbon for this week in Belle Chasse, LA. This is a state-of-the-art, brandnew public school in Plaquemines Parish.

There is a very important naval reserve base there. It is 90,000 square feet, 37 classrooms, a gymnasium, cafeteria, a media center, a youth center, administrative offices, and although one cannot tell exactly from this picture, wonderful classrooms and a very high-tech communication and computer system. Six hundred of the children from this military base will be able to attend a state-of-the-art school that was built in a public-private partnership. I am very hopeful this model, based on this amendment—which, again, I am offering only for consideration and will ask to be withdrawn in a moment so we can consider it at a future time—will be something we can share with the rest of the Nation and help build opportunities for our military dependents to go to excellent schools and to help the local school districts to give nonmilitary children an opportunity to attend world-class, first-class centers of education.

I think we can work all day long on pay raises, on building more ships, and on building a stronger Air Force, but truly I think focusing on educational opportunities, both for the adults in our military but particularly for their children, will help us build morale, help us improve retention, will help us strengthen our military in the intermediate and the long term, and it is something that, with a little creativity and a little bit of thinking outside of the box, I am convinced we could finance the construction of these schools by reordering some of the streams of revenue and end up coming out with some excellent facilities around this Nation to serve both our military and our nonmilitary families and do a great job for our Defense Department and a great job for our country. That is what this amendment does.

AMENDMENT NO. 3975 WITHDRAWN

Ms. LANDRIEU. I ask unanimous consent that amendment No. 3975 be withdrawn until a further time.

The PRESIDING OFFICER. The amendment is withdrawn.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I rise today to speak on one of the most important pieces of legislation that we will consider this year; that is, the National Defense Authorization Act for Fiscal Year 2003. This important bill authorizes funding to strengthen our military, to address the challenges of today, and to anticipate the threats of tomorrow.

We are a nation at war. This bill recognizes the critical role that our Armed Forces play in the war against terrorism and in securing our homeland. It will help ensure that our troops are better paid, better housed, and better equipped than ever before. I had the privilege of visiting our troops in central Asia last January. I was a member of the first bipartisan Senate delegation to visit our troops on the front lines in the war zone. I was inspired by the patriotism and professionalism of our men and women in uniform.

As long as they know our Nation is united behind them, they are willing to bear any hardship no matter how harsh, undertake any mission no matter how dangerous, and willingly risk their lives each and every day just by doing their jobs.

The obligation on us, in return, is clear. The legislation before the Senate recognizes our obligation to improve the quality of service for our American forces who need and deserve the finest equipment and the best resources to combat any threat.

For example, the bill includes a 4.1-percent across-the-board pay raise for our military personnel and an increase in the housing allowance that will reduce the average out-of-pocket expenses for off-post housing to 7.5 percent in 2002. This represents significant progress toward the goal of eliminating by 2005 the need for our military personnel to reach into their own pockets to pay for housing. I also support, and cosponsored, an amendment adopted by the Senate earlier this week that will repeal the prohibition on concurrent receipt of non-disability retired military pay and veteran's disability pay for our military retirees, eliminating an inequity and allowing these veterans to collect the full amount they have earned.

This bill also begins to address the needs and concerns of our reserve forces. Specifically, it includes a study that will require the Department of Defense to assess the compensation and benefits of our reservists, who have been called upon more and more to serve our country and protect our freedoms. Under the total force concept, more than 80,000 Selected Reserve and National Guard personnel are now on active duty, nearly 9 months after the attacks of September 11. This study is the first step to ensuring that our reservists receive the compensation and benefits that are proportional to the commitment and services that they provide.

While the bill reflects significant investments in our national defense—including a significant increase to respond to the attacks of September 11—it will take several years of sustained increases in defense spending to completely recover from the "procurement holiday" of previous years.

I stand with the majority of the Armed Services Committee that believes more needs to be done to address

the shipbuilding shortfalls that this administration inherited from the previous administration.

The Navy's shipbuilding program simply is not adequate to meet the needs of a more dangerous world. I am particularly concerned about the under-funding of the Navy's destroyer, or "DDG-51" program, which serves as the backbone of the Navy's surface fleet. This bill fully funds only two DDG-51s next year despite the clear need for a third. I am therefore pleased that the Senate version of the bill does include an increase of \$125 million above the administration's request toward the procurement of an additional much-needed destroyer.

During the committee markup, Senator WARNER, with my strong support, offered an alternative shipbuilding proposal that would have provided even more to meet the need for more ships through an additional \$1 billion. Also, the alternative would have provided multi-year authority and additional advanced procurement for several shipbuilding programs. Further, it would have restored \$690 million of the almost \$900 million cut in various missile defense programs. I am very disappointed that this shipbuilding initiative was rejected in committee on a straight party-line vote as, ultimately, there will be a high price to pay if this shipbuilding trend is not reversed. We are making some progress. The out-year budgets for the Department of Defense have improved markedly in investing more resources into rebuilding our Naval Fleet.

I am encouraged and optimistic, however, that the Navy and its industry partners have heard our concerns about this egregious shortfall. Just recently an agreement was reached by the Navy, General Dynamics and Northrop Grumman Ship Systems to transfer ship construction between the two corporations' shipyards. The terms of this agreement is based on adding two additional DDG ships to the Navy's FY 2003 shipbuilding plan, which will be awarded to the Bath Iron Works in my State. Bath Iron Works has a long tradition of producing quality ships for the Navy. This agreement will immediately transfer DDG 102 to the Bath Iron Works facility for construction.

Further, as a result of this agreement, the Navy is expected to realize significant net cost savings on these programs, which could then be used to further invest in additional shipbuilding initiatives. The increased number of DDGs at Bath should provide increased stability and predictability at the yard, and maintain the critical surface combatant work force for the industrial base to remain competitive for the DD(X) family-of-ships.

The swap agreement has also led to discussions and a tentative agreement on the price and terms of a new DDG multi-year procurement. This contract, once awarded, will provide seven ships over the next four years, including three DDG swap option ships that Bath

alone will have the opportunity to bid on. This new multi-year procurement contract will be the largest contract award in Bath's history. Let me state that again, this pending multi-year contract will be the largest contract awarded in Bath's history, and begin to remedy the shortfall in our naval fleet.

While the debate continues on how to transform our armed forces, the Senate is taking action to support our armed forces and the administration's priorities. I would like to take this opportunity to acknowledge and thank Chairman LEVIN and our senior Republican, Senator WARNER, for their tireless efforts to tackle the tough issues and produce an authorization bill that funds a number of critical priorities and provides support for the men and women of our armed forces.

Our armed forces stand ready. Now it is our responsibility to equip and support our men and women to meet the threats and challenges of today and those of tomorrow.

I believe the legislation before us is a strong step in the right direction, and I am pleased to have had an opportunity to shape this legislation as a member of the Senate Armed Services Committee.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, On May 14, Department of Defense officials announced that they intended to classify details of future flight tests of the national missile defense system. This occurred after the Senate Armed Services Committee had completed its work on the Defense authorization bill, so we were unable to address this issue in the committee version of the bill. The issue needs to be addressed, however.

The administration claims that placing a shroud of secrecy around the national missile defense testing program is necessary to prevent details of its operation from being revealed to potential enemies. One can argue whether such secrecy is truly needed, since we are many years away from deployment an effective national missile defense systems.

What is not arguable is that Congress has a right and obligation to know the results of such critical tests, regardless of whether they are classified.

The amendment offered by Senator REED and myself would ensure that Congress gets regular reports, classified as necessary, on the results of each national missile defense flight test, 120 days following the test.

The reports should describe the objectives of each test, and whether the objectives were met. Such information

is absolutely essential for Congress to be able to understand and evaluate the performance of the national missile defense system.

The word in the modified amendment is "thorough." This amendment ensures that constitutionally mandated oversight will, in fact, continue to be respected.

I hope all of my colleagues will support this important amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 4029

Mr. REED. Madam President, I call up amendment No. 4029.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] for himself and Mr. LEVIN proposes an amendment numbered 4029.

Mr. REED. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the results of each flight test of the Ground-based Midcourse national missile defense system)

On page 34, after line 23, insert the following:

**SEC. 226. REPORTS ON FLIGHT TESTING OF GROUND-BASED MIDCOURSE NATIONAL MISSILE DEFENSE SYSTEM.**

(a) REQUIREMENT.—The Director of the United States Missile Defense Agency shall submit to the congressional defense committees a report on each flight test of the Ground-based Midcourse national missile defense system. The report shall be submitted not later than 90 days after the date of the test.

(b) CONTENT.—A report on a flight test under subsection (a) shall include the following matters:

(1) A detailed discussion of the content and objectives of the test.

(2) For each test objective, a statement regarding whether the objective was achieved.

(3) For any test objective not achieved—

(A) a detailed discussion describing the reasons for not achieving the objective; and  
(B) a discussion of any plans for future tests to achieve the objective.

(c) FORMAT.—The reports required under subsection (a) shall be submitted in unclassified form, with a classified annex as necessary.

AMENDMENT NO. 4029, AS MODIFIED

Mr. REED. Madam President, I also at this time seek unanimous consent to send a modification of the amendment to the desk and have it reported.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, reserving the right to object—I shall not—the Senator submitted the amendment to me. I have been in consultation with the Department of Defense. We came back with certain modifications. The Senator has modified this amendment consistent with those recommendations that I received from the Department of Defense.

I have no objection to the Senator modifying the amendment.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4029), as modified, is as follows:

On page 34, after line 23, insert the following:

**SEC. 226. REPORTS ON FLIGHT TESTING OF GROUND-BASED MIDCOURSE NATIONAL MISSILE DEFENSE SYSTEM.**

(a) REQUIREMENT.—The Director of the United States Missile Defense Agency shall submit to the congressional defense committees a report on each flight test of the Ground-based Midcourse national missile defense system. The report shall be submitted not later than 120 days after the date of the test.

(b) CONTENT.—A report on a flight test under subsection (a) shall include the following matters:

(1) A thorough discussion of the content and objectives of the test.

(2) For each test objective, a statement regarding whether the objective was achieved.

(3) For any test objective not achieved—

(A) a thorough discussion describing the reasons for not achieving the objective; and  
(B) a discussion of any plans for future tests to achieve the objective.

(c) FORMAT.—The reports required under subsection (a) shall be submitted in classified form and unclassified form.

Mr. REED. I thank the Senator from Virginia for his help on this amendment.

I think this is an opportune time to call for passage of the amendment prior to any other discussion at this time. I urge passage of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. WARNER. We have no objection, Madam President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4029), as modified, was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I congratulate the Senator from Rhode Island on his amendment. I think he may want to take a minute to describe it. I will yield the floor for that purpose, and then I would like to add a comment on it of my own.

I yield the floor.

Mr. REID. Madam President, I have spoken to the two managers of the bill. It appears this is the last hurdle before final passage of this legislation. The staff is working now on a unanimous consent agreement. We will have final passage at or around 2 o'clock today.

Mr. LEVIN. Sounds good.

Mr. WARNER. Madam President, may I say to the distinguished leader that we have, as I am sure each manager has, tried to contact all offices and all Senators who have expressed any desire to either speak or submit amendments otherwise. But, as I understand it, we will hopefully vote around 2 o'clock. Can we allow a reasonable period such that if there is anything I have left undone Senators may contact me, or reciprocate on your side? Perhaps we can get a unanimous consent request in 15 or 20 minutes to lock in the vote at 2 o'clock.

Mr. REID. It takes the staff a while to do the unanimous consent request. It will take 15 or 20 minutes to do that.

Mr. LEVIN. If the Senator from Nevada will yield for an additional question, there are a number of amendments which I understand may be worked out between now and 2 o'clock.

Mr. WARNER. The Senator is correct.

Mr. REID. We would make sure that any consent allows that to take place.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Madam President, I thank the Senator from Virginia for his help and cooperation, and the Senator from Michigan for his accommodation.

This is an amendment that responds to an announcement made by the Missile Defense Agency shortly after the conclusion of our committee deliberations. The announcement was that they would classify the details of all future flight tests of the national missile defense system—now called the land-based midcourse system.

I believe Congress needs information of that kind. I also believe those unclassified portions of the tests should be available to a broader community, particularly the scientific community.

The amendment that has been agreed to and included in this bill would require the Missile Defense Agency to provide to the Congress within 120 days a thorough report of the details of the tests. And it would include both an unclassified format and a classified format so that those items the Defense Department and the Missile Defense Agency believes should be secret will be kept secret, and it will be reported to us in a classified form.

Let me say that one of the persistent criticisms of the first test of the missile defense system—the land-based midcourse system—was the fact that the tests were unrealistic. In fact, this criticism—particularly by the scientific community—led the Missile Defense Agency to adopt a much more realistic, thorough, and exhaustive test process for our missile defense system. That criticism, in effect, has been very helpful to the development of the national missile defense. I think it is something that should be encouraged—certainly not discouraged.

This view is also shared widely in many other places. Yesterday USA Today had an editorial which said "The Pentagon policy wrongly shields missile defense data."

They went on to point out that past scientific commentary about the performance of weapons systems has been very valuable in terms of improving those systems. They point specifically to the Patriot system. Initially, the Defense Department claimed that the Patriot was wildly successful in the gulf war.

It turned out that a scientist at MIT was able to look at some of the news video. He observed, based on his scientific training, that these claims were dubious. In fact, he proved to be correct. Once the Pentagon publicly acknowledged that the effectiveness of

the Patriot was not as they had originally claimed, it was the beginning of serious work to accelerate the development of additional improvements. That improvement is now the PAC-3 system, a much more capable system.

I believe honestly that the Defense Department would have tried to move to a better version of Patriot anyway, but certainly the public scrutiny of this type of information helped that process move forward much more expeditiously.

As USA Today points out, we could spend up to \$100 billion under the administration's missile defense plan. As they say:

Taxpayers deserve assurances beyond the Pentagon's word that the system works.

This is particularly important when, at the same time the Missile Defense Agency is talking about putting a much broader cloak of secrecy around what they do, they are also saying they want to have a contingent deployment of missile systems as early as 2004.

Again, some of these tests are not even scheduled to take place until after that date. Yet they are talking about a system in which they want to have something ready by 2004.

I fear that the pressure to put something in the field by 2004 will overcome the willingness to be as clear and transparent as you want them to be about these tests.

I hope this amendment will reinforce the Defense Department's view that these details are useful for the Congress and, in unclassified form, useful for the scientific community.

As a former director of operational testing, Phil Coyle, stated in a Washington Post article, on June 11, the new classification policy that is being proposed by the Missile Defense Agency is, in his words, "not justified by either the progress and tests so far or by the realisms of the test."

We are still at a very rudimentary stage, a stage in which details of the test will help inform the Congress, will help inform scientific observers, and, I hope, will help us keep this system on track and keep the system, in effect, honest, so that if people are looking closely, all the t's will be crossed and all the i's dotted.

I must also say, at this point, too, that General Kadish, particularly, has committed himself and budget dollars to ensure that a much more realistic and much more rigorous form of testing is employed. That is commendable and, indeed, is supported in the underlying legislation by our authorization.

Testing and reporting of results is very important because, as I mentioned many times, the comments of outside authorities, scientists, are very useful. The Union of Concerned Scientists, for example, prepared a report about the first several tests of the ground-based midcourse system. They made several valuable suggestions.

First, they suggested that you make the end game more realistic. By that, they meant we make the engagement

with the kill vehicle and the enemy warhead much more realistic than the tests were at that stage. That is being done, not solely because of the UCS recommendation, but certainly it helped move along, I think, the concentration on more realism.

They also talked about more realistic test conditions. Some of these things do not strike me, at this juncture, as particularly sensitive information.

They talked about the geometry of the interception, whether it is the same flight track for the enemy warhead as well as for the interception vehicle, the kill vehicle.

The time of day: If we are only testing at the same time of day, when atmospheric conditions and sunlight or starlight are most opportune to discriminate a warhead from decoys, that is not a realistic test.

The weather conditions: Are we testing in foul weather as well as fair weather?

The flyout range, the altitude of the intercept—there are many things that are very important. And we should have an idea, on an unclassified and classified basis, of these parameters. And the scientific community should at least have an indication, on an unclassified basis, of what is taking place.

I believe the amendment is important. It is useful. I am extraordinarily pleased that the ranking member, the Senator from Virginia, was helpful in getting this done so expeditiously.

One final point, we are simply codifying what I believe and what I know to be the intent of the Department of Defense.

In that same USA Today article previously mentioned, Secretary Aldridge wrote:

There is not now, and can never be, any component of this missile defense program classified beyond the reach of the security clearances of its congressional overseers. Congress' constitutionally mandated oversight will always be respected.

That constitutionally mandated oversight has been codified in this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator From Virginia.

Mr. WARNER. Mr. President, I make these few remarks concerning the Reed amendment now before the Senate.

With the modifications that I have proposed and the majority has accepted, I am not objecting to the inclusion of this amendment in the defense authorization bill. These modifications were at the request of the Department of Defense. But I do have concerns with its substance, concerns that are shared by the Administration and, specifically, the Director of the Missile Defense Agency.

This amendment offered by Senator REED would require the Director of the Missile Defense Agency to submit a report to the congressional defense committees on each flight test of the ground-based midcourse missile de-

fense system, what we used to call the national missile defense system. This amendment would add an additional three to five reports a year to the long and continually growing list of reports that the Missile Defense Agency must submit to Congress annually.

Last year, at the insistence of our majority, the defense authorization act required several reports to Congress on missile defense. I strove, with some success, to assure that those reports were consistent with what Congress requires of other defense programs. This year, the bill our majority crafted in committee imposes five new reporting requirements related to missile defense, including annual operational assessments on research and development programs, annual assessments of military requirements for all Missile Defense Agency programs, and detailed cost information on several missile defense programs—information, I might add, that in some cases simply isn't available.

My specific concerns are, as follows:

First, this amendment requires a report on every single flight test of the national missile defense system. I am unaware of any other program in the Department of Defense for which we in Congress impose such detailed reporting requirements. As I stated earlier, my intent last year was to make reporting requirements on missile defense programs consistent with those for other defense programs.

Second, this amendment adds to the already substantial reporting burden on the Missile Defense Agency. I would note that the Secretary of Defense, in a letter to Chairman LEVIN and me, informed us that our bill, even prior to this amendment, "would impose a number of burdensome statutory restrictions that would undermine our ability to manage the [missile defense] program effectively." The Office of Management and Budget reiterated this view. A few moments ago, I spoke to General Kadish, the Director of the Missile Defense Agency, who echoed these concerns even as he reiterated his willingness to provide Congress with all information on tests to facilitate our legitimate oversight function.

Third, Congress already has a process to gain all the information that it desires on a test or tests. We need simply ask for a report or a briefing, and the Missile Defense Agency has responded, is responding, and will respond. I have heard no allegation that information on tests has been denied to the appropriate committee, or is not available on request.

I fully concur with those who believe that Congress should have access to all relevant information related to missile defense tests. I have relayed the assurances I received that the Missile Defense Agency will provide us with this information. All members, and staff with appropriate clearances, will have access to this information. Indeed, Committee staff received a classified

briefing related to targets and countermeasures prior to the last long-range missile defense test.

In the interest of comity and the desire to complete work on this important legislation expeditiously, I will not oppose inclusion of this amendment in the pending bill. I will work during our conference with the House to improve the provisions on missile defense.

Mr. President, we had to handle this amendment very expeditiously in order to achieve our 2 o'clock objective to have final passage. I did review it very carefully with the Department of Defense. We did make the technical changes. But I would have to say that I hope there is no inference, from this amendment as it now has been amended, that the Department would not have responded to the Congress had the Congress requested any information under any tests.

So the amendment points up the importance of and the interest in the Congress, but at the same time Congress could have obtained the same information, as required by this amendment, had it taken the initiative. Am I not correct in that, I ask the Senator?

Mr. REED. If the Senator will yield, you are absolutely correct. What I would suggest is, because of the highly technical nature of the whole program, often we do not know what questions to ask at times. As a result, with this reporting requirement, I think we will fulfill our constitutional obligation.

I guess I would respond, finally, by saying there is a saying from a famous poet from New England, Robert Frost: "Good fences make good neighbors." Perhaps if we look at this as a good fence, we will be better neighbors with our friends in MDA.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I was in discussion with the President pro tempore of the Senate on something very important; and that is when he is going to give his Fourth of July speech, at which I try to be present every year. I think we may be fortunate enough that the Senator may give that speech this afternoon when we finish this bill sometime.

I think I am now in a position to enter a unanimous consent request for this bill.

Mr. President, I ask unanimous consent that following passage of S. 2514, it be in order for the Senate to consider, en bloc, the following calendar items: Nos. 371, 372, 373—these are S. 2515, S. 2516, and S. 2517—that all after the enacting clause be stricken in each bill, and that the following divisions of S. 2514, as passed by the Senate, be inserted in lieu thereof, as follows: S. 2515, division A; S. 2516, division B; and S. 2517, division C; that the bills be read three times, passed, and the motion to reconsider be laid upon the table, en bloc; that the consideration of these items appear separately in the RECORD.

I further ask unanimous consent that with respect to S. 2515, S. 2516, and S. 2517, as passed, that if the Senate receives a message from the House with regard to any of these measures, the Senate insist on its amendment or disagree to the House amendment, and agree to or request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I wish to discuss with the distinguished leader from Nevada and the chairman of the committee and the distinguished minority member the amendment I have with Senator SMITH.

This is an extremely important amendment. We have been trying to work out the details with respect to the majority and minority. I want to make sure that our right to offer that amendment is protected.

It is not clear to me, with respect to the unanimous consent request posed by the distinguished Senator from Nevada, that our right to offer the Wyden-Smith amendment, which is of enormous importance to the State of Oregon, would be protected. If I could yield to the distinguished chairman and ranking member so this point could be clarified, I am speaking on behalf of both myself and the Senator from Oregon.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent the Senator from Florida be recognized for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Reserving the right to object, it is my understanding there is no amendment connected with this; is that correct?

Mr. NELSON of Florida. It is an amendment that has already been adopted.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I wanted to again thank the leadership of our Armed Services Committee, the distinguished Senators from Michigan and Virginia, respectively, the chairman and ranking member of our committee, for the acceptance last evening of an amendment I had offered that was cosponsored by a

number of Senators, including several on our Armed Services Committee, concerning a requirement that the Department of Defense will do an investigation and will report to the Congress on a regular basis about the biological and chemical testing that may have put some of our service men and women and, indeed, some civilians in harm's way.

Certainly, that wasn't the original intent when these tests were conducted back in the fifties, sixties, and seventies. But, indeed, that has been the upshot of what we now find out, in some cases, 30, 40 years later—even a half century later—that there may have been exposure that is causing our veterans to now need to know what the whole truth is in order to fix the past mistakes where veterans have been exposed to toxic substances, particularly from this chemical and biological testing, and to get full disclosure of this testing because it has been classified over the past number of decades. The veterans of this country certainly have a right to know, particularly with regard to getting them to come in and get the health care they need if, in fact, the health care is required.

Now, that is a general statement. Let me kind of flush it out with some specifics. In the sixties and the seventies, ships of ours in the Pacific were gassed with biological and chemical substances and, in some cases, simulants or simulations of those substances. That was a program under the acronym of SHAD, Shipboard Hazard and Defense. It was ostensibly to test those ships' ability to react and protect themselves if an enemy came out and suddenly tried to put these biological or chemical agents on our ships in order to immobilize and to kill our Navy.

In some cases, we were told these were not the actual materials, such as nerve gas, but that it was a simulant of nerve gas. Years later, decades later, we are finding that these simulants that were used are having an effect on the people who were sprayed; and, indeed, there actually may have been some exposure to the actual chemical and biological agents instead of just the simulants. There were 113 of these tests. Only 6 have been declassified. Of those 6, a population of 4,300 veterans have been identified to be contacted and, to date, only 622 have been written to when the Department of Defense declassified it, gave it to the Veterans' Administration. They wrote the letters and said: If you are having any effects, come into the veterans medical facility. Of those 622, a good number of them were in Florida, which is how I first started hearing about this.

Senator CLELAND will have hearings this fall on this very same issue, but what we are going to look into in this amendment, just attached last night to DOD, is the shipboard gassing in the sixties and seventies.

What Senator CLELAND's committee is going to look into is the overall testing because, lo and behold, I started

getting all of these ruminations coming out of Florida about some mysterious tests that were conducted in the fifties at the old Boca Raton Airfield, an old World War II airfield, and an 85-acre parcel to the north that apparently is still undeveloped. But guess what has grown up around it. Florida Atlantic University, one of our major universities, was built on this site. The Boca Raton Airport, one of the major general aviation airports in Florida, is right there.

When I requested this information from the DOD back in February, as the junior Senator from Florida, DOD wrote back and said it is classified. Well, thank goodness that Senator LEVIN, our chairman, has tasked Senator CLELAND, our Personnel Subcommittee chairman, to get into this because our committee is clearly capable of handling classified information.

So I want the leadership to know how much I appreciate them doing this so the veterans will have full disclosure—were they in harm's way?—now that we are just finding out three and four decades later, certainly incited by these letters that, as we speak, are being mailed out to these veterans all over the country.

Thanks to the chairman and the ranking member, they accepted this amendment, which will be etched into law in our DOD authorization bill. Then, as we pursue the larger bill, including all the tests, other than just SHAD, Senator CLELAND's subcommittee will get into this investigation.

It is my understanding that Senator ROCKEFELLER, the chairman of the Veterans' Affairs Committee, is also interested in having hearings on this very same subject. I am so grateful to the leadership of this body, on behalf of the veterans of Florida in my case, and on behalf of the veterans of this country, to find out what happened—to peel back the onion and see what really happened—and if there is a problem, we can get these veterans into the medical facilities.

I thank the chairman for making this possible. I thank the distinguished assistant majority leader for giving me this time.

I yield the floor.

Mr. LEVIN. Mr. President, I thank Senator NELSON for his determination and passion on this issue. It will benefit the veterans who may have been affected. We are happy to work with him. Hopefully, his leadership will produce the critically necessary information we need to help with their medical situation. They are all in his debt and this body is as well.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I understand Senator HUTCHINSON has some remarks he would like to give in offering an amendment, and then after 10 minutes he will withdraw that amendment. I want to make sure he is in agreement with this before I ask unanimous consent.

I ask unanimous consent that Senator HUTCHINSON be recognized for 10 minutes to offer an amendment, and then at the end of that 10 minutes to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

AMENDMENT NO. 4069

Mr. HUTCHINSON. Mr. President, I call up amendment No. 4069.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 4069.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle A of title III, add the following:

**SEC. 305. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS.**

Of the amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for defensewide activities, \$3,000,000 shall be available for the Clara Barton Center for Domestic Preparedness, Arkansas.

Mr. HUTCHINSON. I thank the Chair.

Mr. President, I appreciate my colleagues giving me an opportunity to speak on this amendment. I think it is very important to our country. It is a matter that, after cloture, is not germane, and I intend to withdraw it. But I give notice that this is an important issue for our country and I intend to talk about it in the future. It is a matter that is critical to the protection of our military.

Today we are deploying our troops across the world to fight the war on terrorism, and it is clear our enemies have been actively attempting to acquire biological weapons.

We know Saddam Hussein has been relentless in his pursuit of biological weapons. Yet even with this knowledge, we continue today to deploy our troops without adequate vaccine protection. The shortage of anthrax vaccine, due to the failure of BioPort, has been well publicized. However, as we meet today, our military has no stocks of vaccines against a range of other pathogens that we know could be used against our troops.

According to unclassified documents released by the Pentagon, there are at least 10 nations right now pursuing bio-

logical weapons programs. Based on media reports, we know these nations include Iraq, Iran, and North Korea. In 1998, the Department of Defense instituted a program to vaccinate all uniformed military personnel against anthrax, but because of the debacle that has occurred since then, the resulting vaccine shortage, that program was curtailed and is only now beginning to get back in motion.

Today, only 526,000 service members have received any vaccine doses. The vast majority of these have received fewer than the recommended six doses. Soon it is expected that DOD will announce a new anthrax policy whereby only troops being deployed to so-called high-risk areas will be vaccinated. I look forward to learning what areas are designated as high-risk areas. Given what occurred on 9-11, even the Pentagon itself should qualify.

The tragedy of this situation is that there is no reason for us to be in this position. The DOD over a decade ago realized our nation needed a reliable source of vaccine. The private sector is simply unable to meet the requirement for vaccines against biological weapons. The production of these products is not profitable, the need is too small, the infrastructure costs are too high, and the liability is too great.

There is no greater proponent of the private sector than I. However, throughout the past decade private industry has declined to participate in this market. In fact, the only company that is chosen to contract with the Pentagon is BioPort. We know that has not been an altogether satisfactory experience.

This problem has been examined many times over the past decade. In fact, it has been studied twice by the Department of Defense. Both times, the conclusion was that our Nation needed a government-owned, contractor-operated vaccine production facility. This is referred to as a GOCO.

In January of 1991, Project Badger presented a report to DOD entitled "Long Term Expansion of Production Capability for Medical Defense Against Biological Warfare Agents." That is a long title, but the conclusion was that we needed to construct a Government-owned facility to provide assured manufacture of products against agents of biological origin.

At that time, DOD began site selection. They began planning for such a facility. In 1994, they prepared a study entitled "Department of Defense Vaccine Production Facility: An Economic Analysis of Alternatives."

They were moving ahead. Then, the previous administration reversed course and decided to rely solely upon the commercial sector. After dumping over \$120 million, we are only now beginning to receive anthrax vaccine. We do not want to repeat that.

In November of 2000, the Department of Defense completed another in-depth



study of a potential GOCO, which included detailed cost and design estimates. In February of 2001, the Department prepared a comprehensive life cycle cost estimate.

Finally, last July the Pentagon released its latest study, "Report on Biological Warfare Defense Vaccine Research & Development Programs." This study once again came to the same conclusion, was prepared by a team of DOD personnel, industry leaders, and academics, and it included a letter from former Surgeon General David Satcher, in which he endorsed the concept of a GOCO.

Since September 11, the establishment of a GOCO has been recommended by other organizations outside the Department of Defense.

In November of 2001, the Institute of Medicine at the National Academies issued a statement saying:

The establishment of a government-owned, contractor-operated facility for research, development, and production of vaccines is essential.

I repeat, the Institute of Medicine concluded that such a facility is essential. In December of 2001, the Advisory Panel to Assess Domestic Response Capabilities for Terrorism, headed by former Virginia Gov. Jim Gilmore, issued a report, with their recommendation:

The establishment of a government-owned, contractor-operated national facility for the research, development and production of

vaccines and therapeutics for specified infectious, especially contagious diseases, is needed.

I offered an amendment to our DOD authorization bill, a critical bill for our troops, that I believe would provide protection for our men and women in uniform. This amendment was cosponsored by Senator HUTCHINSON of Texas, Senator MIKULSKI of Maryland, Senator LINCOLN of Arkansas, Senator SARBANES of Maryland, and Senator ROBERTS of Kansas. All of them have cosponsored it. They recognize that it would ensure that our troops receive the protection they require. We have seen DOD study the matter twice; we have seen the Institute of Medicine issued opinion; former Surgeon General Satcher recommended the building of a GOCO.

All of these independent evaluations have concluded the same, and it is simply this: The private sector, for all of the good that it does, cannot, against some of the boutique biological pathogens and threats that may exist now and in the future against our troops and against our civilian population, and will not in the future see this as a profitable commercial venture.

The insurance for the American people, and the insurance for our men and women in uniform, is to have a Government-owned production facility, contractor-operated, to ensure that vaccine will always be available if and when it is needed.

I will withdraw the amendment I have offered. However, I will continue to bring this issue before the Senate. Our troops deserve more, I believe, than they are getting right now, and I intend to continue to pursue this issue as long as it takes until our troops are protected, whether it is through the homeland security bill or the Defense appropriations bill or other vehicles we may have, because this is vitally important.

It is important for our country. It is important for our troops. It is the right thing to do. We have waited too long to act, and should delay no longer.

AMENDMENT NO. 4069 WITHDRAWN

Mr. HUTCHINSON. I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. HUTCHINSON. I thank the Chair, and I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOTICE

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.*

ORDERS FOR FRIDAY, JUNE 28, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Friday, June 28; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. There will be no rollcall votes tomorrow. There will be morning business. The next rollcall vote will occur Tuesday morning, July 9.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate

stand in adjournment under the previous order.

There being no objection, the Senate, at 5:32 p.m., adjourned until Friday, June 28, 2002, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate June 27, 2002:

### DEPARTMENT OF STATE

LINDA ELLEN WATT, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

### To be admiral

VICE ADM. EDMUND P. GIAMBASTIANI JR., 0000

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 27, 2002:

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

### To be general

GEN. RALPH E. EBERHART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be major general

BRIGADIER GENERAL ROBERT DAMON BISHOP, JR.  
BRIGADIER GENERAL ROBERT W. CHEDISTER  
BRIGADIER GENERAL TRUDY H. CLARK  
BRIGADIER GENERAL RICHARD L. COMER  
BRIGADIER GENERAL CRAIG R. COONING  
BRIGADIER GENERAL SCOTT S. CUSTER  
BRIGADIER GENERAL FELIX DUPRE  
BRIGADIER GENERAL EDWARD R. ELLIS  
BRIGADIER GENERAL LEONARD D. FOX  
BRIGADIER GENERAL TERRY L. GABRESKI  
BRIGADIER GENERAL MICHAEL C. GOULD  
BRIGADIER GENERAL JONATHAN S. GRATTON  
BRIGADIER GENERAL WILLIAM W. HODGES  
BRIGADIER GENERAL DONALD J. HOFFMAN  
BRIGADIER GENERAL JOHN L. HUDSON  
BRIGADIER GENERAL CLAUDE R. KEHLER  
BRIGADIER GENERAL CHRISTOPHER A. KELLY  
BRIGADIER GENERAL PAUL J. LEBRAS  
BRIGADIER GENERAL JOHN W. ROSA, JR.  
BRIGADIER GENERAL RONALD F. SAMS  
BRIGADIER GENERAL KEVIN J. SULLIVAN  
BRIGADIER GENERAL MARK A. WELSH III  
BRIGADIER GENERAL STEPHEN G. WOOD

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be major general

BRIG. GEN. JOHN M. URIAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

### To be major general

BRIG. GEN. GEORGE W. S. READ



*To be brigadier general*

COL. LARRY KNIGHTNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

BRIG. GEN. EDWIN E. SPAIN III

*To be brigadier general*

COL. DENNIS E. LUTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT SURGEON GENERAL/CHIEF OF THE DENTAL CORPS, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3039:

*To be major general*

BRIG. GEN. JOSEPH G. WEBB, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. WAYNE M. ERCK  
BRIG. GEN. CHARLES E. MCCARTNEY, JR.  
BRIG. GEN. BRUCE E. ROBINSON

*To be brigadier general*

COL. DAVID L. EVANS  
COL. WILLIAM C. KIRKLAND  
COL. JAMES B. MALLORY III

COL. JOHN P. MCLAREN, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. PHILLIP M. BALISLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. ROBERT F. WILLARD

AIR FORCE NOMINATION OF SHARON G. HARRIS.  
AIR FORCE NOMINATIONS BEGINNING \* NICOLA A. CHOATE AND ENDING \* NICHOLAS G. VIYOUH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 2002.

AIR FORCE NOMINATIONS BEGINNING KATHLEEN N. ECHIVERRI AND ENDING JEFFREY E. HAYMOND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 2002.

ARMY NOMINATIONS BEGINNING \* TIMOTHY C. BEAULIEU AND ENDING WILLIAM E. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2002.

ARMY NOMINATIONS BEGINNING DUANE A. BELOTE AND ENDING \* NEAL E. WOOLLEN, WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2002.

ARMY NOMINATIONS BEGINNING JOHN C. AUPKE AND ENDING STEVEN R. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2002.

ARMY NOMINATIONS BEGINNING ANN M. ALTMAN AND ENDING \* ANGELIA L. WHERRY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2002.

ARMY NOMINATIONS BEGINNING RYO S. CHUN AND ENDING JOHN K. ZAUGG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2002.

ARMY NOMINATION OF MICHAEL J. MEESE.

ARMY NOMINATIONS BEGINNING STEVEN A. BEYER AND ENDING JAMES F. ROTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2002.

ARMY NOMINATION OF JAY A. JUPITER.

ARMY NOMINATION OF ANDREW D. MAGNET.

ARMY NOMINATIONS BEGINNING BERNARD COLEMAN AND ENDING MICHAEL A. STONE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2002.

ARMY NOMINATION OF ROBERT A. MASON.

ARMY NOMINATIONS BEGINNING RICHARD E. HUMSTON AND ENDING DWIGHT D. RIGGS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 2002.

ARMY NOMINATION OF NANETTE S. PATTON.

MARINE CORPS NOMINATIONS BEGINNING DEREK M. ABBEY AND ENDING MARK D. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2002.

# EXTENSIONS OF REMARKS

HONORING LARRY SHEHADEY

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Larry Shehadey on the occasion of being granted an Honorary Doctoral Degree in Humane Letters from California State University, Fresno. Mr. Shehadey received the degree during graduation ceremonies on May 25, 2002.

Shehadey, a prominent Fresno businessman, and patriarch of Producers Dairy Foods, a well-known and respected Fresno-based business, is well known for his generosity and contributions to the community. The eight-story clock tower of the new Fresno State athletic facility will be named "The Larry A. Shehadey Clock Tower," and the Grand Lobby at the Southeast entrance will be named after Shehadey's late wife, Elayne.

In 1949, Shehadey sold a successful soap business to Safeway Supermarkets and bought a major interest in Producers Dairy Foods. Larry built the company into one of the largest independent family owned milk producers in the United States.

Mr. Speaker, I rise today to honor Larry Shehadey for his honorary degree bestowed by California State University, Fresno. I invite my colleagues to join me in thanking Mr. Shehadey for his support of the Fresno community, and wishing him many more years of continued success.

KATIE WEST: A COWGIRL'S  
PORTRAIT OF THE OLD WEST

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to artist and cowgirl Katie West for her work portraying the Old West and for her passion for living the cowgirl lifestyle on the Rocking KT Ranch with her quarter horses and collie dogs. Katie has always strived for perfection and is considered one of the finest pen-and-ink artists in the nation.

Besides her pen-and-ink drawings, Katie has earned a worldwide reputation for her oils on canvas, watercolors and her own unique process called petrography, which is fine line engraving in granite, crystal and solid jade. Her technique allows her to hold more detail in granite than anyone in the world. Katie's depictions of animals, particularly horses, and the Old West has brought her wide acclaim. In fact, others have proclaimed her work to be in form and quality a worthy heir to the great western artistry of Charles Russell, Frederick Remington and Frank Tenney Johnson. In addition, Katie has been nominated to the Cowgirl Hall of Fame in Oklahoma City, Oklahoma.

Her oil paintings, including "The American Cowboy," "Forever Eternal Red, White and Blue," "God Bless the U.S.A.," and a painting of a real cowboy on the range called "Born in the U.S.A.," evoke strong emotions and recall a simpler time when the lines between good and evil seemed as clearly defined as the difference between a white hat and a black one. Her petriograph engravings also are stirring, including "Comanche," and studies of Clayton Moore as "The Lone Ranger," John Wayne, Gene Autry and Gary Cooper.

Katie also has been a featured artist at a wide-range of art shows and other events across the nation. She has appeared on local and national television shows and her work has been illustrated in magazines from coast to coast. Her art, music and writing have spread joy and happiness to fans young and old all over the world. Collectors of Katie's work include such luminaries and fans of the western tradition as Roy Rogers and Dale Evans, jockeys Bill Shoemaker and Gary Stevens, singer Pat Boone and astronaut Buzz Aldrin.

Finally, Mr. Speaker, I ask my colleagues to join me in expressing the gratitude and appreciation of the United States Congress for the artistry of Katie West. Her dedication to conveying the strength of spirit and the vigor of the Old West in her artwork serves to preserve and rekindle the romanticism and patriotism that have always helped our nation overcome obstacles and adversity. I can think of no better time to have an artist such as Katie West riding the range for our country.

## PERSONAL EXPLANATION

**HON. BOB RILEY**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 253, on Agreeing to the Journal. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 254, H.R. 4858, To Improve Access to Physicians in Medically Underserved Areas. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 255, H.R. 4679, the Lifetime Consequences for Sex Offenders Act. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 256, H.R. 4623, the Child Obscenity and Pornography Prevention Act of 2002. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 257, H.R. 4846, the Securities and Exchange Commission Authorization Act of 2002. Had I been present I would have voted "yea."

IMPROVING ACCESS TO PHYSICIANS IN MEDICALLY UNDERSERVED AREAS

SPEECH OF

**HON. JOHN ELIAS BALDACCI**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 2002*

Mr. BALDACCI. Mr. Speaker, I am pleased to offer my support for the bill H.R. 4858, which will extend and expand the J-1 visa waiver program. This legislation is vital for Maine and other states that have difficulties in finding physicians to practice in rural and underserved areas. Workforce shortages threaten access to care for all our citizens, and rural areas in particular face significant obstacles in attracting healthcare professionals. This legislation extends for an additional two years the successful state J-1 visa waiver program.

The ability for states to sponsor foreign physicians began in 1994. Until this authority expired at the end of May, states were able to sponsor 20 physicians a year, allowing them to remain in practice in underserved areas.

Maine's sponsorship of J-1 waiver applicants began in 1997. The State has used close to the maximum number of slots each year. Recently, the State of Maine responded to growing demand by expanding the scope of the waiver program, allowing specialists to apply for J-1 waivers. Additionally, more areas of the state were deemed eligible for such waivers. Consequently, Maine now maximizes its number of available sponsorships. This bill goes the step further to expand the current number of state waivers from 20 to 30, and therefore greatly enhances the ability of my State and many others to meet future needs in underserved areas.

There is some urgency to this matter, because the Department of Agriculture has suspended its processing of J-1 waiver applications. Therefore, this state waiver ability remains the only route left to ensure these primary and specialty physicians remain in underserved areas.

As a Member of the bipartisan House Rural Health Care Coalition, I've been involved in efforts to maintain the current J-1 visa waiver process. This particular waiver program is not a long-term solution to healthcare workforce shortages, but it is providing valuable resources right now to underserved areas.

Mr. Speaker, I thank Congressman JERRY MORAN for introducing this legislation, and encourage all my colleagues to support H.R. 4858.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING DEBORAH A. CHAMBERS, CRNA, MHSA PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

**HON. LINDSEY O. GRAHAM**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. GRAHAM. Mr. Speaker, I rise today to pay tribute to an outstanding resident of South Carolina, Deborah A. Chambers. Ms. Chambers will soon complete her year as national president of the American Association of Nurse Anesthetists (AANA). I am very pleased that one of South Carolina's own was tapped as the 2001–2002 president of this prestigious national organization.

The AANA is the professional association that represents over 28,000 practicing Certified Registered Nurse Anesthetists (CRNAs). Founded in 1931, the American Association of Nurse Anesthetists is the professional association representing CRNAs nationwide. As you may know, CRNAs administer more than 65 percent of the anesthetics given to patients each year in the United States. CRNAs provide anesthesia for all types of surgical cases and are the sole anesthesia provider in over two-thirds of rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization capabilities. They work in every setting in which anesthesia is delivered, including hospital surgical suites and obstetrical delivery rooms; ambulatory surgical centers and the offices of dentists, podiatrists, and plastic surgeons.

Debbie has been a nurse anesthetist since 1981. She received both her anesthesia training and Masters of Health Service Administration at the Medical University of South Carolina, in Charleston, SC. She has been a solo practitioner since 1993 at the Microsurgery Center in Anderson, SC, as well as in both Greenville Memorial Medical Center and Saint Francis Bon Secours Hospital System in Greenville, SC. In addition to her role as a solo practitioner, she was the Clinical Coordinator at the Medical University of South Carolina School of Nurse Anesthesia at Greenville Memorial Medical Center from 1988–2000. Even with her demanding schedule as a practicing nurse anesthetist and AANA president, Debbie has continued to be active as a CRNA representative for pharmaceutical advisory panels such as Pharmacia and Glaxo Smith Kline since 2001 in order to advance the practice of anesthesia.

Debbie has held various leadership positions in the AANA as regional director, vice president, and president-elect before becoming the national president of the AANA in 2001. Ms. Chambers has actively served within the SC Association of Nurse Anesthetist as a District Representative on the board of directors and then in 1994 as state president. Since 1994, Debbie has taken her experience and knowledge from the work place and her AANA leadership roles to lecture on political and academic anesthesia related topics before different professional groups and societies.

Mr. Speaker, I ask my colleagues to join with me today in recognizing Ms. Deborah A. Chambers, CRNA, MHSA, for her notable career and outstanding achievements. Congratulations Debbie.

STATEMENT COMMEMORATING THE PASSING OF AMVETS FOUNDING MEMBER ALBERT C. GEREMIA

**HON. JAMES R. LANGEVIN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. LANGEVIN. Mr. Speaker, I was saddened to learn of the recent passing of a former constituent of Rhode Island's Second District, Albert C. Geremia, native and longtime resident of the City of Providence. Mr. Geremia passed away on June 4th at Hickory House Nursing Home in Honeybrook, Pennsylvania. Mr. Geremia was a Navy veteran of World War II and had a long and distinguished career in management for two Providence firms. As a Navy veteran, Mr. Geremia was a founding member of the Congressionally-chartered veterans service organization, AMVETS, of which Mr. Geremia was the last surviving founder.

Mr. Geremia was one of eighteen individuals who began AMVETS. He worked to secure its Congressional charter and to establish an office in Washington, DC. For his efforts, AMVETS awarded him the organization's "Ray Sawyer Award" at their 1952 National Convention. Since its founding in 1944 in Kansas City, AMVETS has worked tirelessly on behalf of America's veterans and the community at large. Veterans across the nation owe men like Albert Geremia a debt of gratitude for all they have done to keep and protect those benefits promised to our veterans.

Our nation can never have too many men the caliber of Albert Geremia. By helping to found AMVETS, he strove for something larger than himself. A man should not be remembered for the wealth and possessions he earned in life, but rather, for what sort of man he was and what he did to make the world a better place.

Mr. Geremia is survived by his wife, Anne, a daughter, Linda, and son, Paul. I offer them my deepest condolences at this time of great loss, and I hope they will take great comfort in knowing how fondly Albert will be remembered by those whose lives he touched.

**PERSONAL EXPLANATION**

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. BONIOR. Mr. Speaker, due to commitments in my home state of Michigan, I was unable to cast votes on Monday, June 24. Had I been present, I would have voted: "yea" on rollcall 249, on agreeing to H.R. 3937; "yea" on rollcall 250, on agreeing to H.R. 3786; "yea" on rollcall 251, on agreeing to H.R. 3971; and "yea" on rollcall 252, on agreeing to H.J. Res. 95.

HONORING DR. WALTER L. BUSTER, Ed.D.

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Walter Buster upon his retirement as Superintendent of Clovis Unified School District. Dr. Buster was honored at a dinner among his colleagues, friends, and family.

Dr. Buster has dedicated his life to education and has served many communities throughout California. Walter's colleagues agree, regardless of his position, he contributes vision, leadership, and ingenuity to his team. He has orchestrated many programs in the Clovis Unified School District in the seven years he has been there. Four of his top programs illustrate his unique ability to visualize current needs with respect for the future. He implemented "Laptops for Learners," a joint venture with Microsoft and Toshiba to supply all students with laptops to perform their daily classroom activities. Dr. Buster saw another of his visions come to fruition with the development of the Center for Advanced Research and Technology. The center will provide up to 1,800 11th and 12th grade students with advanced project-based training in 12 different technology based laboratory environments. Walter realizes the importance of reading to students, and put into action yet another program, called "Community of Readers." Volunteers from the community dedicate one hour per week to read with the students. Always keeping in mind the importance of being an influential citizen within the community, Dr. Buster started "Character Counts!" a program that teaches students six core principles: responsibility, respect, fairness, caring, citizenship, and trustworthiness.

Dr. Buster's contributions to the Clovis education system are obvious, but he has also made a tremendous impact on the community. He serves on many state and local education and business committees. The State Board of Education recently appointed Dr. Buster to the WestEd Board of Directors, a non-profit research, development and service agency dedicated to improving education and other opportunities for children, youth and adults.

AN AMERICAN COWBOY LEGEND:  
BEN COOPER

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to the voluminous and noteworthy acting career of Ben Cooper, a performer whose work in the Western genre has informed and entertained generations of youngsters about the history and the myths of the Old West. Many fans may recognize that Ben has always had a special place in his heart for the Western, but perhaps not everyone knows that he met his wife, Pamela, while working on the "Wagon Train" series with Ward Bond.

While Ben is perhaps best known for his role in the non-western drama, "The Rose

Tattoo," he made his mark in many terrific Westerns, including "Johnny Guitar," with Joan Crawford and Sterling Hayden. He also had prominent roles in "Jubilee Trail," "The Last Command," "Outlaw's Son," and as Johnny Shattuck in "Duel at Apache Wells." In 1965, Ben starred with Audie Murphy in "Gunfight at Comanche Creek" and "Arizona Raiders."

Before moving to Hollywood, Ben was already an extremely successful performer with 3,200 radio broadcasts and 250 live television shows under his belt. His first film credit was for his work in the Republic Studios film, "The Thunderbirds." While the bulk of Ben's big-screen work was in the 1950s and 1960s, his career has covered more than fifty years, including two 1971 Westerns, "One More Train to Rob" and "Support Your Local Gunfighter," in which he played Colorado Magee. Over the years, Ben appeared in various movies and had many guest appearances on hit television shows, including "Kung Fu: The Legend Continues," "The Fall Guy," "Bonanza," and "The Rifleman." He also had a longrunning part in "The Misadventures of Sheriff Lobo" with Claude Akins from 1979 to 1981.

In the 1960s, Ben formed Celebrity Speakers, a group that booked actors on the lecture circuit. Ben's belief that the magnificent and hard-working character actors cast as sidekicks, saddle tramps, bank robbers and in other essential supporting roles were equally capable of acting as goodwill ambassadors for Hollywood has given us all a better understanding of film-making.

Finally, Mr. Speaker, I ask my colleagues to join me in applauding Ben Cooper for exhibiting the true spirit of the American cowboy-hero. Whether Ben wore a white or a black Stetson, his characters were memorable and we should tip our collective hats to Ben Cooper, another legendary hero of the Old West.

TRIBUTE TO NADINE MILFORD,  
NEW MEXICO MADD STATE CHAIR

**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to an outstanding New Mexican, my friend, Nadine Milford. On June 30, after a successful three-year term, Nadine will step down as the Mothers Against Drunk Driving State Chair. I will take this time to pay tribute to Nadine for her efforts to eliminate the scourge of drunken driving and to improve the lives of countless New Mexicans.

When tragedy strikes, we can do one of two things. We can either allow it to defeat us or we can use the experience to empower us to become an effective advocate for change.

People living in New Mexico in 1992 will never forget that December. What started out as an ordinary holiday season was soon changed into one of devastating heartbreak. It was Christmas Eve and there were pockets of snow across the country. There was a sense of electricity in the air as there usually is during the holidays. At one home in Albuquerque, Bob and Nadine Milford were especially excited about spending the holiday with their children and grandchildren. On Christmas Eve, 1992, gifts were waiting under the Milford's

Christmas tree—gifts that never were to be opened.

Across town on that fateful night, Paul and Melanie Cravens picked up Melanie's three daughters—Kandyce, Erin and Kacee Woodard—at their father's west-side Albuquerque home. They decided to go see the lights from Nine Mile Hill, west of the city on Interstate 40. But before they topped the hill, they were struck by a pickup driving down the wrong side of the highway.

Melanie and the three girls were killed instantly. Paul Cravens somehow survived, as did the driver of the pickup. Blood tests later showed that the driver was well over the legal alcohol limit. Mr. Speaker, I will not go into the legal debacle that ensued on this case for the next several years, other than to say it was painful and finally created the traction necessary for stronger drunk driving laws.

New Mexicans were inconsolable that Christmas Eve when the local news began reporting what had occurred. Then they got mad. Our citizens demanded action to combat the state's DWI problem—and they got it.

I have been fortunate enough to be a firsthand witness to Nadine's many accomplishments. At the time, I was proudly serving as the Attorney General of New Mexico. Earlier that year, I had appointed a DWI Task Force to study what our state could do to fight drunk driving. We issued our report to the State Legislature as they convened in January.

Throughout the next few years, we worked to lower the legal blood-alcohol limit, toughened penalties for drunk driving and set aside millions of dollars to fund local anti-DWI efforts. The state also began widespread use of sobriety checkpoints and passed a "zero tolerance" law that strips minors of their licenses when they are caught drinking and driving.

Throughout all of this, there was one person in the spotlight who became the focal point of this crusade, and that was Nadine. She could have sunk under the depression that engulfed her. Instead, she leaned on her deep faith and the love of her family and seemingly overnight transformed herself into the new face of DWI reform. Nadine could never have imagined that she would one day be tapped to lead such a worthy fight. Ultimately, I cannot think of anyone better to have done it.

When Nadine was selected as the Mothers Against Drunk Driving State Chair in 1999, she was totally devoted to fighting for MADD's mission to stop drunk-driving. She has also comforted countless numbers of families who have been affected by a drunk driving death. Being so modest, I doubt that Nadine even realizes the positive impact that she has had on New Mexico.

Mr. Speaker, I have touched only on a small list of Nadine's many personal and professional accomplishments. Vera Nadine Fuchs Milford was born in Los Angeles, California and has resided in New Mexico since 1961. Her husband, Robert, still owns Bobby Joe's Auto Sales. In addition to Melanie, she has four other children—Terrell, Celeste, Pauline and Lance. After graduating from Victory Bible College, Nadine taught school for a time. Of everything she has done, I know how proud she is of her family. She has been a wonderful wife and mother.

New Mexicans feel as though they know Nadine because they have shared so much of her grief over the years. Nadine's motto is "persistence wears resistance." Without a

doubt, she has lived this motto throughout the years that have passed since Christmas Eve, 1992. She has stood tall and is truly a hero to many.

Much of my admiration for Nadine Milford stems from her enduring commitment to fighting the good fight. Her values are reflected not only in the way she lives her life, but also in her intelligence and honesty. She will undoubtedly be missed at MADD, but her legacy will endure, and she will never stop advocating for the elimination of drunk driving.

Nadine, I wish you well in whatever future endeavors you pursue.

VETERANS' BENEFITS

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. HUNTER. Mr. Speaker, I rise today to speak on an issue that is very important to our nation's veterans. If you were to ask Americans if they knew that their veterans were being denied benefits to which they earned in an effort to save money, there would be outrage. Well Mr. Speaker, I am sorry to say that that is exactly what has been occurring for many years.

Today, veterans who served our country and retire after 20 years but endure a service-connected disability, have their disability benefits offset dollar-for-dollar by a reduction in their retirement pay. This unfair practice is a disgrace for those who selflessly served our country and sacrificed so much on our behalf. These offset dollars are taken away from veterans seeking to make a better life, send children through college or have an opportunity to spend time with grandchildren.

Well Mr. Speaker, there is good news. After many years of trying to correct this problem, I am very proud that my committee, the House Armed Services Committee, included a provision granting concurrent receipt for our most severely disabled retirees in H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003. This provision provides \$5.8 billion to phase in, over a five-year period, an elimination of the concurrent receipt offset for disabled retirees with a disability rating of 60 percent or greater. Though the offset is not eliminated completely for all disabled veterans, it is a first step. This measure passed the House on May 9, 2002, by a vote of 359–58.

Mr. Speaker, there is still more work to be done. It is my understanding that, like the House, the Senate has included a concurrent receipt provision in their authorization bill and I plan on working actively with them on this issue when this bill is brought to conference. Our veterans earn their retired pay by committing themselves to the defense of our country and I believe there is no better way to honor America than to give our nation's veterans all the benefits to which they are entitled.

CONGRATULATING THE ACCOMPLISHMENTS OF TRACEY ALLNUTT ON WINNING THE 13TH DISTRICT OF FLORIDA CONGRESSIONAL ART COMPETITION

### HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. DAN MILLER of Florida. Mr. Speaker, I rise today to congratulate the winners of the Congressional Arts Competition—particularly to congratulate Tracey Allnutt of Sarasota Florida, a senior at Riverview High School. Next year she will be attending the Ringling School of Art in Sarasota in pursuit of a degree in art history.

A panel of judges from my congressional district evaluated the contestants' work and from this pool of contestants Tracey's was selected as the winner. Her work of art symbolizes the rising and enduring faith and patriotism of America's youth in the wake of the events of September 11th. It is fitting that this artwork will be displayed in our nation's Capitol.

I would like to use this time to honor Tracey and the other winners of the Congressional Arts Competition and encourage the youth of our nation to continue their patriotic enterprises and artistic endeavors.

COMMENDING CONTRIBUTIONS OF ROOFING PROFESSIONALS INVOLVED IN REBUILDING OF PENTAGON

SPEECH OF

### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 2002*

Mr. GARY MILLER of California. Mr. Speaker, I rise to support H. Con. Res. 424 Commending the Patriotic Contributions of Roofing Professionals Involved in the Rebuilding of the Pentagon.

First, I want to thank Mr. MANZULLO for introducing this resolution and bringing it to the floor. Several months ago, I gave a one minute speech recognizing the role small roofing contracting companies have played in rebuilding over an acre of the Pentagon's roof, and these efforts are certainly worthy of continued mention.

What I find most moving about this volunteer effort, is how deeply committed these roofing professionals are. Men and women have traveled from all over the U.S. to help put a roof back on the Pentagon. There are numerous stories about how they kept working through Thanksgiving and Christmas to stay on an ambitious schedule.

These men and women felt compelled to do this because to them, this is how we win, this is how we beat the terrorists. And they're right. Whether they have donated supplies, spent time at the site working, or given money, these individuals and companies should be proud of their contribution towards healing our nation.

In addition, I would also like to thank the Department of Defense for working with the National Roofing Contractors' Association to make this volunteer effort so successful.

HONORING DAN MALCOLM

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dan Malcolm, editor of American Vineyard, on the 10th anniversary of his magazine's publication.

Dan has been the patron of American Vineyard through its ten years and he has every reason to be proud of everything the magazine has accomplished. In 1993, the magazine became the highest grower circulated grape publication in the country. Then, in 1994, American Vineyard journeyed to Mexico, and the growers were both impressed by what they saw and encouraged to compete with the growers south of the border. The magazine hosted its first grape expo in Caruthers in 1996 and was pleasantly surprised by the amount of support received, over a thousand growers attended. In 1998, Dan Malcolm was honored with the Viticulture & Enology Research Center's Grape Day Industry Award. American Vineyard published their biggest issue in 2001 and the magazine is still going strong.

Mr. Speaker, I rise today to honor Dan Malcolm for his vision and unending pursuit of his ambitions. I invite my colleagues to join me in thanking him for his contribution to agriculture and the community and wishing him and his family continued success.

PERSONAL EXPLANATION

### HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. FLAKE. Mr. Speaker, I respectfully request the opportunity to record my position on rollcall votes 249, 250, 251, and 252. I was regrettably absent from the chamber on Monday, June 24, 2002 during rollcall votes 249, 250, 251 and 252. Had I been present, I would have voted "yea" on all four votes.

TRIBUTE TO MITCH KEHETIAN

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. LEVIN. Mr. Speaker, I rise today to congratulate an articulate and well-respected voice in local journalism, Mitch Kehetian, as he is honored by the Metro Detroit Chapter of the Society of Professional Journalists with a Lifetime Achievement Award.

Mr. Kehetian has served the public for almost fifty years as a reporter and editor of community newspapers. In his early twenties he went to work as a reporter for the Detroit Times. He brought his reporting skills to Macomb County, Michigan at the Mount Clemens Monitor-Leader. The Monitor-Leader became the Macomb Daily and Mr. Kehetian rose through the ranks to his current position as Editorial Page Editor.

Mr. Kehetian's work can be summarized with three words: community, responsibility,

and passion. He has editorialized about the widest range of issues, always using his straightforward, commonsense approach to make a clear and concise point. He has written about a variety of local issues, from weighing in on a controversial community issue, to honoring a young person or community activist. He has written about regional issues always paying special attention to the future of the City of Detroit, about issues impacting our entire State and vital national issues including domestic policy, politics and international affairs. He has opined passionately about human rights, highlighting the plight of the Iraqi people under Saddam Hussein, the children of Afghanistan, the conflict in the Middle East, and the longstanding refusal by Turkey to acknowledge the Armenian Genocide.

In his work, especially the latter editorials, you can see an image of Mitch Kehetian himself. On April 29, 2002, Mr. Kehetian wrote, "Through the years, I've written reports about my journey to historical, Turkish-occupied Armenia in search of my Armenian roots. I found that the homeland of my ancestors lacks historical markers to tell the curious that for 3,000 years Armenians lived in what today is eastern Turkey. Through the years I've been repeatedly asked why people of Armenian heritage can't forget what happened in 1915–20, especially those of my generation who weren't even born then. I cannot forget. As a child growing up in southwest Detroit's ethnic neighborhood, I had only one grandparent, one aunt, three uncles and a handful of cousins. All the others were murdered in the Turkish genocide of the Armenian people. . . . This American of Armenian heritage cannot forget."

Mr. Speaker, I have enjoyed the opportunity to work in the same communities as Mitch Kehetian and to observe his work. He has been a voice for elevating the role of Macomb County and its place in the State of Michigan. Today, I join the residents of Macomb County, and his colleagues in the journalism profession, in saluting his distinguished career, thanking him for his years of service, and encouraging him to keep those editorials coming.

TURKEY NATO AND AFGHAN  
PEACEKEEPING

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. GALLEGLY. Mr. Speaker, last week, the command of the International Security Assistance Force (ISAF) in Afghanistan was handed over to Turkish military forces after a successful six months, under the command of British forces.

As the Chairman of the Europe Subcommittee, I want to first congratulate and commend the British forces for the excellent work they did to establish an atmosphere of calm and security at the critical time in which the people of Afghanistan were consolidating their political and economic future. The Brits are owed a great deal of thanks.

The arrival of the Turkish command marks a new period for the ISAF operation, for the new government of Afghanistan and for Turkey itself. The leadership of Turkey, a predominantly Muslim state sends a clear message that the international campaign against

terrorism does not have anything to do with Islam as a religion and reinforces the effort we have been trying to make that the United States has Muslim allies in this effort. For Turkey, taking command of ISAF is an acknowledgment of Turkey's important position in that region and the role it can play in the Muslim world. It is also a signal of the important prestige Turkey has accumulated both here in the United States and in the West. The government in Ankara should be commended for its willingness to take on this critically important role. We congratulate Turkey and wish their military contingent the best of success.

Finally, I would be remiss if I did not point out for commendation all of the other nations whose military forces are currently serving in Afghanistan. ISAF does have some 5,000 troops serving in Afghanistan and they all deserve our thanks and continued support. I think it is also important to note that the majority of the nineteen countries who have contributed forces to ISAF are not only European, but are from our NATO partners or NATO candidate countries. I believe this is an important point that is often overlooked by those who have criticized Alliances such as NATO for not being willing or capable of conducting missions abroad. The Afghanistan campaign was not a NATO mission but the fact that so many of our NATO partners have sent troops there is a testament to the importance of the Alliance and why we in this country should continue to strongly support NATO. Consider where we would be today if NATO was no longer relevant to our security needs. Whose 5,000 troops would be patrolling the streets of Kabul and ensuring the peaceful transition of that country.

So, again we salute the British forces for a job well done. We congratulate and welcome the Turkish leadership of ISAF and we thank our NATO allies and European friends for their continued support in Afghanistan and in the campaign against global terror.

IN SUPPORT OF THE DEMOCRATIC  
SUBSTITUTE TO H.R. 4931, RE-  
TIREDMENT SAVINGS SECURITY  
ACT OF 2002

SPEECH OF

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 21, 2002*

Mr. STARK. Mr. Speaker, I rise today in opposition of H.R. 4931, the Republicans' so-called Retirement Security Savings Act.

Like every other tax break the Republican leadership has brought to the floor lately, this bill is more about their political pandering than our priorities. But, I refuse to play games with the hard-earned pensions of working Americans while Republicans line the pockets of their wealthy contributors.

We ought to bring a pension bill to the floor that encourages saving and increases employee participation in pension plans. Unfortunately, the Republican bill does little to help average Americans save for retirement. It simply benefits the wealthiest Americans. Forty-two percent of the tax breaks proposed by the Republicans would go to the richest five percent of taxpayers.

Meanwhile, if you are an average American with a pension or retirement account, the Re-

publican plan does nothing to help you build upon that savings. Republicans are obviously content with the fact that most Americans have only about \$12,000 put away for retirement. I'm sure an Arthur Andersen accountant might be able to convince someone that \$12,000 is sufficient. But, to think the Republicans would expect that most Americans would believe it just shows how out of touch they are.

I support the Democratic plan for retirement security. It puts money where our mouth is when we say we want Americans to save. It rewards them for putting money away for their retirement by giving them a \$1,000 tax credit if they contribute to an employer-sponsored pension plan or an IRA.

Republicans supported giving lower and middle-income families this credit in the past. They included it in last year's tax bill. But, for some reason they won't support it today. Why not?

Maybe Republicans don't think it's necessary because they've already passed their huge tax breaks for the wealthiest Americans? Maybe they've just gotten too close with their corporate donors to appreciate the struggles many Americans face in building a secure retirement?

Whatever the answer may be, it is clear Republicans haven't learned anything from the Enron fiasco. This bill's second, major flaw is that does nothing to enforce corporate accountability when it comes to pensions. It doesn't prevent huge scams like Enron from being carried out on the backs of employees—it makes it easier. We shouldn't allow those that work hard for their retirement to be ripped off while a handful of greedy executives walk away with millions.

We should be on this floor today making sure that Enron never happens again. I support the Democratic plan because it will lock in real pension protection and ensure that workers are fairly compensated when companies fail. But, instead, we're stuck having to vote on a Republican bill that does nothing but reward corporate greed at the expense of millions of hard-working Americans.

I urge my colleagues to stand up for America's families, support the sensible Democratic plan for retirement security, and vote down the Republican bill.

SOCIAL SECURITY PROGRAM  
PROTECTION ACT OF 2002

SPEECH OF

**HON. STEPHEN F. LYNCH**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 2002*

Mr. LYNCH. Mr. Speaker, today I stand before you to express my concerns on strengthening and preserving our nation's Social Security system.

We are here today to discuss, H.R. 4070, The Social Security Programs Protection Act. However, I have grave concerns about what we are NOT discussing—namely, privatization, one of the biggest threats facing the Social Security Program today.

Last week, Democrats filed a discharge petition to demand a public debate on privatization. Democrats think the public has a right to know about the true effects of privatization.

Under the Republican Privatization Plan, we would see cuts in guaranteed benefits, massive raids on the Social Security Trust Funds, and the threat that privatization poses to the ability of the system to pay benefits to the baby-boomer generation.

Mr. Speaker, Congress has a responsibility to our next generation to ensure that Social Security will be there for them. Social Security is more than a program, it is a promise. The Republican Leadership is refusing to bring their privatization bills to the floor.

Mr. Speaker, we have missed our mission of strengthening Social Security. We have missed our opportunity to strike, a true course consistent with the great traditions in this country of meeting the challenges of each generation. We can only live up to our responsibilities by preserving and strengthening our Social Security system. American families work hard to pay into the system, and they should be able to rely on Social Security when they retire.

Mr. Speaker, I urge my colleagues to live up to the responsibility that has been bestowed upon us and to strengthen and preserve our Social Security system.

Thank you, I yield the remainder of my time.

CHILD OBSCENITY AND PORNOGRAPHY  
PREVENTION ACT OF 2002

SPEECH OF

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 2002*

Mr. KUCINICH. Mr. Speaker, I voted in favor of H.R. 4623, the Child Obscenity and Pornography Prevention Act of 2002. I strongly support the goal of this legislation, which is to protect children from sexual exploitation.

This legislation is in response to the United States Supreme Court's ruling in *Ashcroft v. The Free Speech Coalition*, which struck down portions of the Child Pornography Prevention Act that made it illegal to create, distribute or possess "virtual" child pornography produced by means other than using real children, such as using adult actors who look like children or through computer generated images.

In an effort to pass constitutional muster, this bill prohibits the creation, distribution or possession of computer generated images that appear "virtually indistinguishable" from that of a minor engaging in sexually explicit conduct. We should not allow technological advances to hamper law enforcement's ability to prosecute individuals for child pornography. Law enforcement agencies must have all necessary tools to eliminate sexual exploitation of innocent children.

However, I have concerns about how this legislation affects free speech protections under the First Amendment. H.R. 4623 criminalizes speech that not only is not obscene, but that has redeeming literary, artistic, or other social value. This includes therapists and academic researchers who use computer-generated images in their research, and filmmakers who create explicit anti-child abuse documentaries.

While I am hopeful that this legislation will pass constitutional scrutiny we must also ensure that we do not infringe upon the First

Amendment. I believe we must strive to eliminate child pornography, a despicable exploitation of our children, while at the same time respecting free speech.

**LEHIGH VALLEY HERO—  
STEPHANIE McKENNA**

**HON. PATRICK J. TOOMEY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania for my colleagues and the American people.

All across Pennsylvania's 15th Congressional District there are some amazing people who do good things to make our communities a better place. These are individuals of all ages who truly make a difference and help others.

I like to call these individuals Lehigh Valley Heroes for their good deeds and efforts.

Today, I would like to recognize Bethlehem resident Stephanie McKenna as a Lehigh Valley Hero. She is working hard to make a difference in her community.

Stephanie, a single mother of three and guardian of two others had always thought of ways to spend more time with her children. A year ago, she quit her high powered Manhattan job to put in motion the idea she had for a way to be more in touch with her children while helping other children in the community. This idea was called Teen Destiny, a one-year residential program for teenage boys who are troubled, but haven't yet crossed into the juvenile detention system.

This program, which could start as early as September is run by a seven-member board of directors and has a \$1.2 million agreement of sale for a 189-acre farm in Upper Mount Bethel Township.

This working farm would be the temporary home for teenage boys. After school and on weekends, the boys would learn to cook, clean and do laundry through the 4-H, and try their hand at farming. Stephanie hopes that by taking the teenagers into a new environment, giving them close supervision and lots of attention, she and a staff of professional counselors and tutors can turn the teenagers around before they succumb to alcohol, drugs or gangs.

Stephanie McKenna is selflessly working to make a difference in the lives of many teenage boys in need of direction, and therefore she is a Lehigh Valley Hero in my book.

Mr. Speaker, this concludes my Report from Pennsylvania.

**IN RECOGNITION OF THE PACIFIC  
AMERICAN INTERNATIONAL  
HIGHER EDUCATION SCHOOLS  
COUNCIL INAUGURATION**

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. ACKERMAN. Mr. Speaker, I would like to enter into the RECORD a recent speech given by a distinguished former Member of this body, Former Congressman Lester L.

Wolff before an Assembly of Asian educators on May 20th in New York. Congressman Wolff served as Chairman of the House Asian and Pacific Affairs Subcommittee and is now Chairman of the Pacific Community Institute.

**INAUGURATION OF THE PACIFIC AMERICAN  
INTERNATIONAL HIGHER EDUCATION SCHOOLS  
COUNCIL**

With a new look and focus after two decades of service, the Pacific Community Institute (PCI), continues to work towards its purpose of creating a community of interests in the Pacific Rim. With those goals in mind, I am proud to announce today the inauguration of the Pacific American International Higher Education Schools Council.

Because the United States was originally an off-shoot of Europe, there is a historical tendency to think of the U.S. as an Atlantic nation only. However, the United States has historically been involved in the Pacific since 1784, its Pacific Coast is longer than the Atlantic Coast, and the State of Hawaii is in the Pacific. The commitment of the United States to the Pacific has also been sealed in active diplomacy and several wars for freedom and democracy.

The basic principle of the Pacific Community Institute (PCI) is to promote community, based upon respect for individuals and the traditions of its members. Building on ties of trade and kinship, which have long existed among the countries of the Pacific Rim, PCI seeks to facilitate interaction and cooperation toward the solution of common problems. PCI aims to obviate such problems by enabling the nations of the Pacific Rim to explore together, at the working level, means to contemporary activities, and new, creative solutions to the common concerns. PCI is supplementary and supportive without competing with existing organizations.

PCI believes that true community may be facilitated by the revolution in communication and information technology, but that it must be created by people in concert, in person. For that reason, PCI remains committed to facilitating face-to-face interaction as significant step toward building a climate of cooperation. The advent of the World Wide Web has made the task of the PCI simpler in some respects, by permitting the movement of information in a more efficient manner. Yet without a sense of the human being sending an e-mail, or the organization maintaining a website, the official, the executive, or the academic who may be seeking a solution remains uncertain and unconvinced.

The Pacific Community Institute seeks today to promote international education based on the concept that both sides of the Pacific can learn from each other. PCI is currently working to develop a graduate level, Western-style curriculum in business. The role of the PCI is to oversee the content of the program, curriculum, the credentials of the instructors, and performance of graduates. In general, PCI fosters the idea of appropriate conferences designed to enhance the sort of personal contact that makes an e-mail message a genuine commodity, and not a nuisance.

The Pacific Community Institute, in its role to improve inter-relationships, understanding, and economic well-being within the nations of the Pacific region, is in the process of organizing such an organization: The Pacific American International Higher Education Schools Council. The Council, composed of an elite professional group of Academicians, will create and oversee an MBA program to meet the high standards of the International Community and the special needs of the educational requirements of young people residing in the Pacific Rim.

Selected to head the Council is Dr. Wayne Patterson who has served as Dean in Residence of the National Council of Graduate Schools. Invitations to participate in the Council have been extended to: Dr. Orlando L. Taylor, Dean of Graduate Schools at Howard University, former Chair of the Board of Directors of the Council of Graduate Schools; Dr. Marcia Welsh, Provost and V.P., Academic Affairs, Adelphi University; Dr. Sung Lee, former Vice Provost, Michigan Tech, now executive at Carnegie Mellon; Dr. Thomas Maresh, former Dean of the Graduate School at Oregon State University; Dr. J. Kent Morrison, President at Walden University; Dr. Robert Ringold, Provost at Purdue University; Dr. Robert Rudd, former Dean of School of Business at Charleston College and have met with a strong positive response.

The Pacific American University was founded in 2002, as a division of the Northern Institute of Business Management, an affiliate of The Pacific Community Institute, Inc., in order to bring the highest quality of American-developed higher education to students in China and other Pacific region countries. The initial degree offering by the Pacific American University is the Master of Business Administration. The curriculum is designed to be aligned with many MBA programs in the United States.

The Pacific American University is a research-oriented private university dedicated to providing educational experiences of exceptional quality, based on the traditions of American higher education, to students of high academic potential in China and in other countries throughout the Pacific region. Further, the University is dedicated to attracting and sustaining a cadre of faculty who are, through their teaching and research, committed to the development of distinguished and compassionate graduates and to the quest for solutions to human and social problems.

**INTERNATIONAL DAY IN SUPPORT  
OF THE VICTIMS OF TORTURE**

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce a resolution condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment wherever they occur—in the United States and other countries. As the United States has become a safe haven for hundreds of thousands of torture victims, the resolution also expresses support for the victims of these heinous acts. I am pleased that I am joined by my colleagues, Representatives STENY HOYER, BEN CARDIN, and ALCEE HASTINGS, as original cosponsors of the measure. The Chairman of the Helsinki Commission, Senator BEN NIGHTHORSE CAMPBELL, is introducing an identical resolution in the Senate.

Torture remains the weapon of choice of oppressive regimes. In the worst cases, it is systematically used to silence political opposition, punish religious minorities, and target those who are ethnically or racially different from those in power.

It is estimated that some 500,000 torture survivors live in this country alone, most of whom came here as refugees. The debilitating



effects of torture often last a lifetime and require substantial medical, psychological and other treatment. Although they are aided by 34 centers in 19 states, the needs of the victims are extensive. I will continue to support funding for torture treatment centers in the United States, as well as foreign treatment centers funded through the U.S. Agency for International Development, and multilateral efforts supported by the UN Voluntary Fund for Victims of Torture. Mr. Speaker, I also want to commend the non-governmental organizations which seek to document this abuse and hold perpetrators accountable.

At the same time, I will be working to ensure that the United States continues to play a leadership role in the battle against torture by signaling our unwavering condemnation of this egregious practice. It is particularly important that we send that message now, when irresponsible voices are suggesting that torture may be a necessary tool against terror. Torture creates terror. That is its purpose, and it makes no sense to wage war to defend our great democratic republic and respect for the rule of law and use methods that denigrate the very values we seek to protect. Torture is unconstitutional, barred by the laws of the United States and the laws of all civilized nations.

The resolution that Sen. CAMPBELL and I are introducing underscores that message. It recognizes the United Nations International Day in Support of the Victims of Torture—June 26 each year—and encourages the training of law enforcement personnel who are involved in the custody, interrogation, or treatment of any individual who is arrested, detained, or imprisoned, with the hope of preventing the use of this practice. The resolution also calls on the Secretary of State to seek, at relevant international fora, the adoption of an agreement to treat confessions and other evidence obtained through torture or other forms of cruel, inhumane, or degrading treatment or punishment, as inadmissible in any legal proceeding; and to prohibit, in law and in practice, incommunicado detention of prisoners.

I urge my colleagues to join me in supporting this resolution and giving it timely consideration.

#### POLICE SECURITY PROTECTION ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. PAUL. Mr. Speaker, I am pleased to help America's law enforcement officers by introducing the Police Security Protection Act. This legislation provides police officers a tax credit for the purchase of armored vests.

As recent events have reminded us, professional law enforcement officers put their lives on the line each and every day. Reducing the tax liability of law enforcement officers so they can afford armored vests is one of the best ways Congress can help and encourage these brave men and women. After all, an armored vest could literally make the difference between life or death for a police officer. I hope my colleagues will join me in helping our nation's law enforcement officers by cosponsoring the Police Security Protection Act.

#### MOROCCO'S ACTIVE ROLE IN THE WAR AGAINST INTERNATIONAL TERRORISM

**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. DIAZ-BALART. Mr. Speaker, in the past 2 weeks, both the Washington Post and The New York Times have devoted page-one stories to the extraordinary support and cooperation Morocco has been providing the United States in the war against terrorism. At a time when many in the media and elsewhere have been questioning whether the resolve of U.S. allies and friends has been slackening, Morocco's actions take on even greater significance.

Specifically, these stories refer to the arrests, announced on June 10, of three Saudi nationals who are believed to be part of the al Qaeda network. According to the Washington Post, June 16, 2002, which cited senior Moroccan officials, these men "have told interrogators that they escaped from Afghanistan and came to Morocco on a mission to use bomb-laden speedboats for suicide attacks on U.S. and British warships in the Strait of Gibraltar." Moreover, they have provided "what officials describe as a fuller understanding of al Qaeda's strategy since its expulsion from Afghanistan . . ."

Days later, on June 19, Moroccan authorities revealed they had taken into custody another Saudi national—this one a senior operative who reputedly ran several of Osama bin Laden's training camps in Afghanistan, helped direct the evacuation of al Qaeda from Afghanistan, and, in the words of the BBC, June 19, 2002, is "central to al Qaeda's international recruiting network . . ." This individual is said to be a close associate of Abu Zubaydah, the suspected al Qaeda operations chief who was apprehended in Pakistan and who has apparently been giving U.S. interrogators valuable information.

On June 26, the New York Times and the French press agency AFP carried stories of still more arrests by Moroccan authorities, including yet another five Saudi nationals and three of their local contacts.

Mr. Speaker, these developments represent important breakthroughs in the long and difficult struggle against the forces of terror—and the very nature of that struggle requires that we have strong, reliable, consistent partners. Thankfully, Morocco is such a partner. As the New York Times noted, June 24, 2002, "Morocco, the first Muslim country to condemn the attacks of September 11, has escaped the terrorism that plagues its neighbors." And that newspaper went on to quote a Western diplomat in Morocco as saying, "The Moroccans worked hard to help nail these guys."

The Washington Post, June 16, 2002, quoted a Western diplomat as saying, "The Moroccans take very seriously their 225-year old relationship with the United States. There is good cooperation . . . They're serious." The diplomat continued: "The Moroccans have asked for nothing. Nothing. They made a decision to cooperate and they stuck to it."

Mr. Speaker, we can only hope that other friends of the United States will prove to be as helpful. In the meantime, let us thank Morocco for its ongoing support and cooperation—and let us continue to work closely with this friend,

our oldest and most faithful ally in the entire Arab and Muslim world.

ALBERT GRAVES, A PUBLIC  
SERVANT AND AN INSPIRATION

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to Albert Graves, a lawyer, a businessman, and a community leader who died on June 13, 2002, at the age of 92. It has been written of Albert that he built his power in an unusual way by helping the community whenever he could, without regard for who got credit.

Albert Graves was born on Christmas Day, 1909, in Hope, AR. Perhaps that was an indication of what a gift he would become to that community. After graduating from Hope High School in 1926 and Hendrix College in 1930, Albert received his law degree from Harvard Law School in 1933 and soon joined his father, O.A. Graves, in practicing law. The young attorney made a name for himself in Hope, and at the age of 25 was elected mayor, the youngest in that city's history.

Albert served as mayor of Hope from 1935 to 1939, and from 1941 to 1947. His career in public service was not limited to city hall; he served as president of the Hope School Board from 1953–57, and was chairman of the Hope Water and Light Commission. Albert was quite active in Arkansas's law community and was a member of numerous associations and foundations, and he served as chairman of the State Judicial Nominations Committee each year from 1978 until 1982. He was also quite active in the First United Methodist Church, and taught the Century Bible Class for more than 50 years.

Albert Graves was Hempstead County's Citizen of the Year in 1978, and was an inspiration and a model for his community. He was well-respected, well-loved, and will be fondly remembered.

As a child growing up and attending public school in Hope, I saw him as one who was involved in his community, a successful businessman and accomplished attorney who took the time to give back. I looked up to him and was inspired by his example.

My heart goes out to his wife, Marilyn, his three children, seven grandchildren, and 16 great-grandchildren in what I know is a difficult time for them. I am keeping all of them in my thoughts and in my prayers. While Albert Graves may no longer be with us, his life and legacy live on in the lives of all those he touched.

A TRIBUTE TO FATHER PAUL J.  
NOMELLINI ON THE OCCASION  
OF THE 25TH ANNIVERSARY OF  
HIS ORDINATION AND HIS RE-  
TIREMENT

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. STUPAK. Mr. Speaker, it was in 1973 that Brother Paul Nomellini, a professed religious brother in the Congregation of the Holy

Cross of Notre Dame, was flying to Washington D.C. to attend a conference here in Georgetown. Then a teacher in the inner city of Chicago, Brother Paul on that flight met and struck up a conversation with a former member of this body and a former member of my delegation, then-Congressman Gerald Ford.

They shared their flight in the innocence of travelers unaware of their real destination. By the end of the year, Congressman Ford, the politician, had become Vice President Ford and was on his way to becoming President Ford. Brother Nomellini, the teacher and religious brother, would that same year acknowledge his calling to the priesthood. He would in 1973 embark on the path to Holy Orders that would eventually lead him to be leader of the congregation of St. Mary Queen of Peace Church in Kingsford, Michigan.

Because our futures are so uncertain, Mr. Speaker, it's best we entrust our lives to Good Hands, and I'm sure that President Ford as well as Father Nomellini have long acknowledge the Lord's role in helping to shape their lives and destinies. So I rise tonight, Mr. Speaker, to report that a major chapter in the life of Father Nomellini will close on July 1, this coming weekend, when the good pastor marks his 25th anniversary as a priest and goes into retirement.

Despite his years of teaching in Illinois and Ohio, Father Nomellini is a true son of the Upper Peninsula of Michigan. He is a native of Hancock on Michigan's Keweenaw Peninsula and is a graduate of Hancock High School. He attended Hancock's Soumi College—now Finlandia University—before going on to the University of Notre Dame, where he received his bachelor's degree in English and took his vows as a religious brother. He later earned a master's degree in guidance and counseling from Butler University in Indianapolis, Indiana, and a master's degree in theology from Pope John XXIII National Seminary in Weston, Massachusetts.

An ordained priest since 1977, Father Nomellini, has served as pastor of the St. Mary Queen of Peace Parish in Kingsford for nine years. Before that, he served in parishes across the Upper Peninsula, including St. Peter's Cathedral and St. Michael Parish in Marquette, St. Joseph and Nativity parishes in Sault Ste. Marie, St. Mary & St. Joseph Parish in Iron Mountain, St. Joseph Parish in Rudyard, Holy Family Mission in Barbeau, Sacred Heart Parish in Schaffer, St. Michael Parish in Perronville, St. Joseph Mission in Foster City, and St. George Parish in Bark River.

In a recent interview with the Iron Mountain Daily News, Father Nomellini told reporter Linda Lobeck of his great love of teaching, but he spoke with the greatest pride of the many accomplishments and the community commitment of his Kingsford parishioners. From church improvements and expansions to local outreach programs, this parish surely reflects the spirit and love of its priest for the community.

Mr. Speaker, my wife Laurie and I will attend Father Nomellini's 25th Anniversary and Retirement Party on July 1. We will join with parishioners in lamenting his departure from the parish, and we will wish him well on his planned retirement projects, which, he told the Daily News, include "reading, listening to music, traveling and going to musicals and plays." Maybe, he said, he'll exercise that love of English and write a book or play or two. But

we'll wink privately, Mr. Speaker, because we know that we are all travelers, innocent of the knowledge only God holds for our futures, and God may yet have revealed another plan for Father Nomellini. In the past I nominated him to be Chaplain of the U.S. House, and he has attended the National Prayer Breakfast here in Washington, D.C. One thing I know for sure—Father Paul will go where God and his heart command him.

So I ask you and our House colleagues to join me in wishing Father Paul Nomellini our greatest thanks for his life of service as a teacher, a pastor, and a guiding friend, and I ask you to join me in wishing him all the best in his retirement. May God grant him many wonderful years.

#### H.R. 4560, THE AUCTION REFORM ACT OF 2002

### HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. TAUZIN. Mr. Speaker, "H.R. 4560 will clarify Congress's position on the 700MHz band width. In lieu of Committee action, the following points should be noted for the record."

Section 6 ensures that the Federal Communications Commission's (FCC) policies that are designed to clear channels 52–69 do not result in an increased level of interference to "in core" channels 2–51, by permitting the operation of an analog facility on a channel assigned for digital transmissions was not designed to accommodate analog operations, and in most instances, relocating analog facilities on "in core" digital channels increases interference to surrounding analog and digital stations in both the UHF and VHF band, to the detriment of those station viewers. Indeed, the increased levels of interference has the ability to deprive television viewing households of the signals they depend upon for news, entertainment, and sports programming.

Sub-section 6(a) specifically prohibits the FCC from granting waivers to its spacing requirements (as required by section 73.610 of the Commission's rules (and the table contained therein) (47 CFR 73.610)) and its interference rules (as required by sections 73.622 and 73.623 of such rules (47 CFR 73.622, 73.623)) for stations assigned to channels 52–69, that seek to operate an analog facility on a digitally assigned "in-core" channel (channel 2–51), if such waiver will result in any degradation in or loss of service, or an increased level of interference, to any television household, except as the Commission's rules would otherwise expressly permit, exclusive of any waivers previously granted.

Pursuant to sub-section 6(b), television stations assigned to channels 63, 64, 68 and 69, that are seeking to clear these channels in order to make such frequencies available for public safety purposes by moving their facilities into the core (channels 2–51) will be governed by the FCC's interference rules and policies, including the waiver process. Sub-section 6(b) should not be construed as relieving stations from the obligation to meet the FCC's traditional waiver requirements.

A SPECIAL TRIBUTE TO MICHAEL J. KERSCHNER ON HIS FIFTIETH BIRTHDAY

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding gentleman from Ohio's Fifth Congressional District. Mike Kerschner of Tiffin, Ohio, will celebrate a milestone fiftieth birthday on June 29, 2002.

Mr. Speaker, Mike is celebrating this monumental occasion with family and friends, all who have known of his selfless contributions to the local community. Serving the community was not only Mike's duty but also his honor. His efforts to give back to the community have brought him a lifetime of both personal and professional achievement and satisfaction. Mike truly is a valued asset to the City of Tiffin.

Mike has served Tiffin well throughout his years, both professionally and philanthropically. Currently, Mike serves as President & CEO of the Old Fort Banking Company. He also holds a seat on the board of directors of the Seneca Industrial and Economic Development Corporation, Tiffin Area Chamber of Commerce, Fostoria Economic Development Corporation, and the Community Bankers Association of Ohio.

Mike readily gives of his time to numerous charitable causes that include the Saint Francis Foundation, and the local United Way Foundation. He considers it a distinct privilege to serve his community through his involvement with the Tiffin Elks Lodge #94, St. Mary's Finance Committee, and as President of Seneca Area Career Systems.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Mike Kerschner. Our communities are served well by having such honorable and giving citizens, like Mike, who care about the well being and stability of their communities. We wish him the very best on this special occasion, and wish him many more years of good health and good fortune.

COMMENDING THE INDIANAPOLIS URBAN LEAGUE AND THE LOCAL CHAPTER OF THE NATIONAL ACHIEVERS SOCIETY

### HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Ms. CARSON of Indiana. Mr. Speaker, it is with great pride that I rise today to extend heartfelt congratulations to the Indianapolis Urban League and the local chapter of the National Achievers Society.

More than 350 outstanding high school students have been inducted into the Indianapolis Urban League's local chapter of the National Achievers Society (NAS). The first induction was held June 30, 2001. The induction was coordinated by the Indianapolis Urban League, along with Urban Leagues in other cities across the country and was a part of the National Urban League's Campaign for African-American Achievement, a community-based

movement that embodied the values of academic achievement, social development and civic responsibility.

In Indiana, the Indianapolis Urban League was a part of (22) Urban League Affiliates chosen from (115) affiliates across the country to implement the Campaign for African-American Achievement. The League will receive a minimum of \$500,000 over a five-year period to draw attention to and support for the urgent achievement and developmental challenges facing students in Marion County.

Students selected were high school juniors and seniors of color who have a GPA of 3.0 or higher and plan to pursue higher education. The Indianapolis Urban League encouraged youth, parents and all community members to participate in activities that highlighted educational success and achievement, and placed their names on a national registry nominating them for scholarships up to \$10,000.

Today, the Indianapolis Urban League awarded \$222,000 in scholarships to (24) students. The highest number awarded to any Urban League Affiliate in the country.

Mr. Speaker, it is my distinct pleasure to ensure that the accomplishments of these students from my district are forever memorialized in the CONGRESSIONAL RECORD of the United States of America. Let all who read these pages know that a very special group of people in Indianapolis, and across the country are "Spreading the Gospel that Achievement Matters."

#### THE MEDICARE RX DRUG BENEFIT AND DISCOUNT ACT

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. RANGEL. Mr. Speaker, today, I am proud to introduce the Medicare Rx Drug Benefit and Discount Act with JOHN DINGELL, the Dean of the House and Ranking Member of the Energy and Commerce Committee. Our Ranking Member on the Ways and Means Health Subcommittee, PETE STARK, has had a leadership role in the development of this legislation, as have so many other health care leaders in our caucus.

This legislation makes good on our promise to add affordable, comprehensive prescription drug coverage to Medicare.

The Democratic bill will look, smell, taste, and feel like any other Medicare benefit, because it is a Medicare benefit. Beneficiaries will not have to deal with an HMO or other private insurer.

Under this legislation, every beneficiary will be guaranteed a \$25 monthly premium, \$100 annual deductible, 20% co-insurance and \$2000 out-of-pocket limit, no matter where they live.

We provide additional assistance for low-income beneficiaries. Those with incomes up to 150% of the poverty level (\$13,290 for one person) will pay nothing. Those with incomes between 150–175% (\$13,290–\$15,505 for a single person) of poverty will pay premiums on a sliding scale.

The Medicare Rx Drug Benefit and Discount Act would: Lower prescription drug costs for all Americans, regardless of whether they participate in our plan; give all Medicare bene-

ficiaries the option of a reasonably-priced guaranteed prescription benefit under Medicare; and ensure that senior citizens and people with disabilities receive coverage for the drug their doctor prescribes and not some substitute that an insurance company deems "equivalent."

Unlike the competing Republican legislation, our plan would never force seniors into an HMO or similar private plan in order to get a prescription drug benefit.

Republicans claim they are giving seniors a "Medicare" prescription drug benefit, but their legislation really provides subsidies to insurance plans and HMOs, not to beneficiaries. Republicans claim they are offering beneficiaries a certain level of coverage, but their legislation really leaves virtually all of the important decisions to the private insurance companies.

Under the GOP plan, private insurers will decide which drugs are covered and which are not. If your drug is not on the list, too bad. Millions of seniors will not be able to afford their prescriptions under the GOP plan. Under the GOP plan, private insurers can pick and choose which pharmacies to include in their networks. If your neighborhood pharmacy is not on the preferred list, you are out of luck.

The bottom line is that those who can buy insurance under the GOP plan may find their choice of pharmacies severely limited or that they cannot get coverage for the drugs prescribed by their doctor.

Many HMOs have unfairly limited health care in the past. That's what the Patients' Bill of Rights debate has been about. They've been unreliable partners in Medicare to date; just look at the problems in the Medicare+Choice program. And now the Republicans want to put them in charge of this medication benefit under their "privatization" model.

Republican leaders have never liked Medicare. Former Speaker Gingrich once said Medicare would "wither on the vine because we think people are voluntarily going to leave it." In 1995, DICK ARMEY called Medicare: "a program I would have no part of in a free world."

Their legislation—the so-called Medicare Modernization and Prescription Drug Act—lays the ground work for them to make good on their desire to do away with the program. The Republican prescription drug plan is the first step towards privatizing Medicare.

It forces seniors to deal with private insurance companies instead of having the choice of getting prescriptions through Medicare. It includes a premium support demonstration program that could significantly raise the premiums of beneficiaries who wish to stay in traditional fee-for-service Medicare. And it creates a new agency to oversee the private plans that lacks authority to provide adequate oversight and disadvantages the agency currently responsible for administering Medicare.

In contrast, we base our plan—not on a flawed privatization model—but on the successful Medicare program. We offer a genuine Medicare plan, providing an affordable voluntary drug coverage to all American seniors through Medicare.

Under this legislation, no senior will ever have to choose between putting food on the table or paying the rent and the drugs they need.

This legislation also helps reduce the skyrocketing costs that seniors and other bene-

ficiaries currently pay for prescription drugs by utilizing the collective bargaining power of Medicare's 40 million beneficiaries to guarantee lower drug prices. By closing some loopholes in current law that prevent or delay generic drugs from coming to market, this legislation also reduces drug prices for all Americans.

While our colleagues on the other side of the aisle are engaged in a cynical political exercise designed to bring themselves political cover, ours is serious legislation. It would bring senior citizens Medicare prescription drug coverage.

When President Harry Truman first proposed Medicare in his second term, a wide array of Republican forces were against him saying he could not do it. Truman said: "We may not make it [now], but someday we will." Eventually, Truman and other Medicare advocates succeeded. Harry and Bess Truman became the first Medicare enrollees in 1965.

The Republican leadership may prevent us from passing a true Medicare prescription drug benefit now, but they cannot stop us in the long run because that is what seniors and all Americans have said they really want.

As PETE STARK points out, prescription drug coverage is as essential to seniors' good health in the 21st century as coverage of doctor visits and hospital stays was in the 20th century.

We have also included in this bill provider payment reforms and increases that match or, in some important areas, exceed those in the Republican-crafted Medicare Modernization and Prescription Drug Act.

If you want to see the real difference between Democrats and Republicans, look at prescription drug coverage. While Republicans protect the pharmaceutical industries' profits, the Democrats protect seniors from skyrocketing prescription drug costs. I urge my colleagues to look at the fine print, and to vote for this legislation when the opportunity arises.

#### INTRODUCTION OF MEDICARE RX BENEFIT AND DISCOUNT ACT

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. DINGELL. Mr. Speaker, I am pleased to join with my Democratic colleagues in introducing a real prescription drug benefit bill.

Unlike the bill introduced by our Republican colleagues, our bill can be simply explained, because it is built on a simple, known, and effective model—Medicare itself.

Just like seniors pay a voluntary premium for Part B medical costs such as doctor visits, our bill provides for a voluntary Part D drug premium of \$25 per month. For that, the Government will pay 80% of drug costs after a \$100 deductible. And no senior will have to pay more than \$2,000 in costs per year.

These are real numbers, not estimates. The benefits and the \$25 monthly premium are specified on page 1 of the bill. Unfortunately, there are no such guarantees in the Republican bill.

On top of that, we will be arming seniors with the most potent protection from soaring drug costs. Forty million seniors banded together under the buying power of Medicare,

we can begin to use the necessary bargaining power to rein in high drug prices.

This is not price controls; it is competition and bargaining. We saw that the Government was effective in negotiating a competitive price for the prescription drug Cipro during the anthrax outbreak. Why shouldn't we do the same for other life saving drugs for seniors?

In contrast to our simple and effective prescription drug benefit, the Republican bill is a complex scheme that would make Rube Goldberg blush. In fact, it is not a drug benefit at all. It is a host of subsidies to private insurers in the hope that they will offer a drug-only benefit to seniors. Will they? Time and again they have told us no.

Why would the Republicans put forward such a model? Well, quite simply they have a larger agenda—they want to privatize all of Medicare, and this is just another step. That is the only reason why seniors are not even given a choice of getting the benefit through their traditional Medicare provider.

And why don't they endorse our plan? Our plan is simple; it is comprehensive; it is what seniors want. The Republicans have raised just one issue: they say it costs too much. Well, I can tell you that we can afford it. It is just a matter of priorities.

To put the costs in perspective, we are told that our bill may cost \$500 billion dollars more than the Republican proposal over 10 years. Well, just a couple of weeks ago our Republican colleagues voted for a bill to make permanent the repeal of the estate tax on the wealthiest people in this country. In the second decade when that permanent repeal kicks in, it will cost the Treasury \$750 billion.

So, yes, this bill may be expensive. Seniors will spend \$1.8 trillion on prescription drugs over the next decade. That is expensive. But we can do something about it. It is a matter of choices.

Our prescription drug benefit has the strong support of organizations representing millions of seniors, such as the National Committee to Preserve Social Security and Medicare, the Alliance for Retired Americans, the National Council on Aging, and AARP. They recognize our benefit is a good value for seniors.

The bill we are introducing today also includes provisions to shore up the Medicare fee-for-service system such as increased payments to hospitals, doctors, and nursing homes. Senior citizens and individuals with disabilities depend on Medicare fee-for-service and ensuring its continued viability has always been a priority for Democrats.

The Medicare Rx Benefit and Discount Act is a solid bill that provides a comprehensive, affordable, and much needed prescription drug benefit in Medicare. It also moves towards ensuring that seniors and those with disabilities can continue to count on the same high quality care from their providers as they receive today.

It is a good bill, and I hope my colleagues in the House will join us in supporting it.

#### EVERY CONFLICT DEMANDS DIFFICULT CHOICES

**HON. MAC COLLINS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2002

Mr. COLLINS. Mr. Speaker, the following article appeared in the May 22, 2002 Griffin

Daily News, Griffin, Georgia. It was so moving that I felt the entire article should be read by every Member of Congress and I would like to submit it for the RECORD.

#### EVERY CONFLICT DEMANDS DIFFICULT CHOICES (By Philip Smith)

I will address a subject that has had a special meaning to me. It is called by some as "limited war." It gets started by a stronger country answering the call of a weaker country (or should I say government) to protect and shield it by limited involvement from outside intruders while it has time to organize a means to govern and protect itself. This start had a heavy meaning to this country in the early 1960s, especially on Aug. 5, 1964, when the first U.S. pilot was shot down and taken POW. The U.S. Veterans Administration declares this date as the beginning of the American Vietnam era.

War is born of failure—the failure of nations to resolve their differences diplomatically and peacefully. Furthermore, it is waged with tools of death and destruction so that man may live in peace.

We found out just what was defined and not defined by "limited war" over the next 8.5 years of the Vietnam War. That war, which we lost, ended Jan. 27, 1973. After this decade (now 25 years) to ponder lessons of Vietnam, we can realistically think about the use of force again. It is my purpose to try to show some areas which must not be forgotten and must be completely understood before we can think more clearly about potential future conflicts. It took 10 years after my return from Vietnam before I wanted to read and understand the history of the country and the lessons we learned from the whole war. I have read many books and articles, but I am by no means an expert. I am smart enough to know that experience is the best teacher. We can't let this experience go by without learning her lessons. They were too costly. These are my views, but they are shared by more than 95 percent of all the combat Vietnam vets I have talked with. There is Total War, Limited War and Unilateral in Action. With all the massive destructive power in all the countries of the world, total war is an absurdity, just plain suicide. Unilateral in action is just turning your back as your hear screams of your friends dying because you don't want to get involved. Limited war is between the Fierce Hawk and the coward dove. In any future conflict, or better yet before any future conflict, we need to make some hard choices about (1) what the particular situation requires; (2) what our final objectives are and (3) how valuable are these objectives to the U.S., i.e., is it strategically a necessity to the U.S.? Is it worth the blood of our young men? Is it necessary in the survival of this country? Then, we need to develop appropriate forces.

There are four major mistake areas of concern surrounding Vietnam. (1) Gradualism was a policy that did not work in South Vietnam. We thought that if we kept turning the screws tighter on the North, inflicting enough pain, they would stop their aggression on the South. The politicians felt constrained to this gradually, because of political pressure. We were afraid if we went too fast, the Chinese or Soviets would get directly involved, plus our own critics of the war back home denounced any escalations. Well, every time we tightened the screws, the North adapted to the pressure and was able to endure and build up. Our only deviation from gradualism was Operation Linebacker II, which was around-the-clock surgically precise bombing campaign of Hanoi, Haiphong and other North Vietnamese cities. In mid-December 1972, when the peace talks

broke down, due again to the NVA not negotiating in good faith, President Nixon put the baseball bat to their heads and for the first time brought the North Vietnamese to their knees in Operation Linebacker II.

They signed readily in January to end the war. Linebacker II was a lesson on the use of force. In Vietnam, we pussy-footed around the military power and paid a high price for it. We fought much longer and escalated far higher than we had ever intended, and we lost. Think what might have happened if Linebacker II had been unleashed in 1965 and not 1972.

(2) Attrition and gradualism often are lumped together. Our ability to wear down an enemy whose history since B.C. had been to endure pain, ended ultimately in failure. Small powers can fight big powers in attrition wars and win. The pattern is the same: Initial public support, prolonged struggles without apparent result, decreasing public support, one battle that goes badly, a vote of no-confidence, then withdrawal. But, it is possible to fight a war of attrition if there is total war. mobilization and commitment in the initial public support phase, such as World War I or World War II.

(3) Rules of engagement. We fought within specific rules of engagement while the enemy pursued a total war. As a helicopter pilot, we could not fire on the enemy unless we were not only being fired on first, but only if we had the specific person or persons identified. "Charlie" could fire at us while standing among a group of working peasants or villagers, and we could not return fire. But, he would give a child from this village a live grenade to pull the pin out as he walked up to some G.I. or rode in a helicopter. There were geographical restrictions for us, but none for the enemy. Don't think these rules won't demoralize a soldier fast.

(4) The people. To win any war, the will of the people must identify with the will of the conflict. For a young man to leave home while watching his country protest his leaving to fight an unpopular war and to arrive into that country seeing people protest his being there and fighting in a war where he has "rules of engagement" but the enemy does not, it doesn't take him long to see the futility in that war.

The will of the (Vietnamese) people was not the will of the government, no matter how much military hardware they had. So, without this "will," the enemy could hide in the open all over the country because they were the people. Without this "will of a people" to fight for a change, a change could never survive, an it didn't.

Some of the veterans of World War II and the Korean War have asked what is so special about the Vietnam combat vet. They, too, went through war. War is the same through time; only the weapons change. The horrors and pains and ever-present nightmares of war are the same after all wars. So, why are we, the Vietnam combat veterans, having so much more of a problem after this war?

Two issues keep coming up in talking with Vietnam vets: We Lost; we were defeated. We knew we could have won if only allowed to fight a war that had final objectives and not been a political palm.

(1) To my friends that were lost and all the men who died or were wounded or maimed for life, what is there to show for this sacrifice? These men were some of the finest people to ever live, and they answered their country's call, for what? Not only did we who came home have to live with a losing cause, but we came home to some hostile people who called us child-killers and dope heads, the thanks from a grateful nation.

(2) The second issue was guilt, guilt of taking people and ruining their customs and

form of life so they could wait on the U.S. dollar. Families were broken up, beautiful cities and shrines destroyed, a country which had one of the prettiest coastlines and mountains made to look like the moon with so many craters and sprayed so much that nothing would grow. Yes, this, then seeing a "no win situation," packed up and left only to see the South Vietnamese retreat in 1975. All the good and bad we had done for more than 10 years was gone in less than 10 days.

I have attempted this collection of views many times, but never have been able to get my thoughts or research completed or knew what to do with it after I had completed it until I talked to a grand lady, who is a retired teacher in North Carolina. She is a beautiful, well-educated person, who loves her country. This lady is special to me. Our eyes get watery when we speak to each other. One of the times I was shot down was in Laos along with three other helicopters, a gunship pilot friend of mine helped give us air cover until we could be extracted. He was shot down and killed. This friend of mine was her son. This tore her family apart. She asked the same question after the war: why? What was Fred's life for? What were all Freds' lives for? We can't let a Vietnam ever happen again. We must learn from our experience. We can't turn our heads on another future conflict without these questions answered before. We must demand answers from Washington. If the answers are yes to America's survival and the decision is to go, then the whole country must go for it immediately and completely or not at all.

This next one may be close, and it may have your sons or grandsons in it. If they have to die, we can't let them die in vain or live with guilt and humiliation the rest of their lives.

#### HONORING DR. JAMES E. CARNES

#### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2002

Mr. HOLT. Mr. Speaker, I rise today to pay tribute to Dr. James E. Carnes, a constituent of mine who retired earlier this month after a distinguished career of service at the Sarnoff Corporation, the last eleven and a half years as President and CEO.

Dr. Carnes holds nine U.S. patents and is the author of more than 100 papers and presentations. He received the David Sarnoff Award for Outstanding Technical Achievement in 1981. He has made tremendous contributions to science, to Sarnoff and to our central New Jersey community.

Carnes earned his Ph.D. in electrical engineering from Princeton University and B.S. in engineering science from Pennsylvania State University, and served four years in the U.S. Navy.

Dr. Carnes began his career in 1969 when he joined RCA Laboratories as a member of the technical staff. In 1977, he transferred to RCA's Consumer Electronics Division, holding a variety of management positions, including Vice President of Engineering. In 1987, when Sarnoff Carnes became a subsidiary of SRI International, Dr. Carnes was named Vice President of Consumer Electronics and Information Sciences Research.

In addition to serving on the board of directors of SRI International and Sarnoff, Carnes serves on the board of several emerging

growth technology companies including Sensor, Inc., Sarif, Inc., Orchid Biocomputer and Sarnoff Digital Communications.

We in central New Jersey will miss Dr. Carnes and his steady leadership at Sarnoff. I hope that all of my colleagues in the House will join with me in wishing him every success in his future endeavors.

#### MEDICARE RX DRUG BENEFIT AND DISCOUNT ACT

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2002

Mr. STARK. Mr. Speaker, today, House Democrats keep our promise to introduce legislation creating a real Medicare prescription drug benefit.

The Medicare Prescription Drug Benefit and Discount Act is an entitlement that would guarantee affordable, comprehensive prescription drug coverage to all senior citizens and individuals with disabilities who are on Medicare. It also includes provider payment increases and reforms that meet or exceed, in selected areas, those included in the Republican-written Medicare Modernization and Prescription Drug Act. But this debate is not about provider payments. It's about providing beneficiaries with needed prescription drug coverage.

The benefit in this legislation is simple. It has no gaps, and no gimmicks. Beneficiaries will pay a \$25 monthly premium, have a \$100 per year deductible, and 20% co-insurance up to a \$2000 out-of-pocket limit. After a beneficiary spends \$2000, the government pays for all other needed prescription drugs. Under this legislation, a beneficiary will never pay more than \$2000 in a year, and most beneficiaries will pay far less. Beneficiaries whose incomes are under 150 percent of poverty will pay no premiums and no cost-sharing. Those with incomes between 150–175 percent of the poverty level will receive premium subsidies on a sliding scale basis and pay no cost-sharing.

These benefits will be guaranteed for every beneficiary, regardless of where they live. This legislation will reduce costs by using the market clout of 40 million beneficiaries to negotiate lower prices. It will also reduce costs for all Americans by closing loopholes in current law that allow pharmaceutical companies to game the patent system by preventing competition from equally effective, but lower cost, generic drugs.

The Medicare Prescription Drug Benefit and Discount Act guarantees the choices that matter. Under our plan, Medicare will pay toward the cost of every drug, not just those on which the private insurance company cut a special deal. And, under our plan, every pharmacy that is willing to play by the rules will be welcome to participate.

And, importantly, unlike the Republican plan, our plan will never force the elderly or disabled into an HMO or similar private plan in order to get a prescription drug benefit.

The prescription drug coverage in the Democratic bill will seem just like any other Medicare benefit, because it is a Medicare benefit.

Don't be fooled by Republican rhetoric. The motto of the Republican bill ought to be "cautious emptor"—let the buyer beware.

Their bill is little more than an attempt to privatize Medicare, while doling out hundreds of billions of dollars in Federal tax dollar giveaways to their friends in the insurance and pharmaceutical industries.

And, no matter which measure you use, beneficiaries will pay more and get less under the Republican plan.

Our legislation will not be cheap. But we don't think twice about the cost of covering doctor visits and hospital stays under Medicare today. I would argue that prescription drug coverage is as essential to good health care in the 21st century as physician and hospital care was in the 20th century when Medicare was created.

Make no mistake: The Republican bill is designed simply to provide political cover for Republican members, not prescription drug coverage for senior citizens and individuals with disabilities.

Our bill meets the needs of the 40 million Americans who depend on Medicare. That's why the leading beneficiary organizations support this legislation. I look forward to the debate. I urge my colleagues to join us in support of a real Medicare drug benefit. Vote "yes" on the Medicare Rx Drug Benefit and Discount Act.

#### RECOGNIZING THE TRICENTEN-NIAL OF ALLEN, MARYLAND

#### HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2002

Mr. GILCHREST. Mr. Speaker, I rise today to recognize the Village of Allen's 300th birthday. This Maryland community is located in the First Congressional District, which I have the distinct honor of representing. Established in 1702, I recognize this village for its longevity, and through that longevity, for influencing the unique flavor of Maryland's Eastern Shore.

Allen sits in Wicomico County, along Wicomico Creek. Central to its establishment was the Grist Mill, which was originally built and operated by the Brereton family. The mill was fully operational until 1919 when, after 217 years, it finally closed. The mill dam formed Passerdyke Pond, still a local landmark, and it was the spillway, or trap, that gave the settlement its first name. Trap eventually became Upper Trappe, then it was changed to Allen in 1882, named after a prominent resident at the time who was a storekeeper and served as postmaster.

With the mill and its location on the lower Eastern Shore, Allen developed into a considerable market during the 18th and 19th centuries. A post office helped give it status, along with the several general stores that have operated throughout its history and the introduction of the canning industry. And like most settlements on the Delmarva Peninsula, agriculture drove the local economy, and Allen residents have found fame over the years with strawberries, apple and peach orchards, tomatoes, and especially string beans.

The Asbury Methodist Church is another important Allen institution. Founded in 1829, the church helped Allen become one of the earliest free African American communities in the Somerset area of Delamara.

Or course, it is people, not buildings, that really form a community, and the people of Allen have been clearly successful in that regard. Without local family heroes—the Breretons, the Allens, the Pollitts, the Messicks, the Huffingtons, the Twilleys, the Polks, the Duttons, the Fileds, and the Malones, to name but a few—Allen surely couldn't have survived its 300 years.

The people of Allen not only helped to develop a thriving village, but also shared their talents with greater Maryland. From within Allen's boundaries have grown community and regional leaders, sports heroes, and successful business entrepreneurs; Allen's people have served Maryland for centuries. In fact, Allen's citizens began establishing and building a community before the birth of the United States.

Allen is a true American village. It represents community, tradition, heritage and permanence. Peppered with historic buildings, Allen's pride in its history is evident, a history I honor today. Allen, however, is much more than its history; it is a thriving residential village with strong leadership and an active community. Contributing to the strength of Allen's community spirit are the Lion's Club, a Volunteer Fire Company, the Historical Society and the Asbury and Friendship United Methodist Churches. These organizations preserve history while moving Allen forward into its third century.

Allen is certainly one of Maryland's hidden treasures, so please join me in recognizing and celebrating the history of Maryland's charming Village of Allen in this, its 300th year.

#### CONGRATULATIONS TO THE WINNERS OF THE SOUTHEASTERN MASSACHUSETTS HISPANIC RECOGNITION AWARDS

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. FRANK. Mr. Speaker, on July 26, the Southeastern Massachusetts Hispanic Recognition Awards Committee, Incorporated will hold their third annual award ceremony. I am delighted to extend my congratulations to committee chairman Emilio Cruz, co-chair Johnny Arellano, and committee members Jose Perez, Carlos Arellano and Jose Rodriguez, Bernice Diaz, Reubeca Rivera, Glenda Izaguirre and Gladys Medina.

Hispanic Recognition Awards are given to people who have worked for the betterment of the Hispanic population in Southeastern Massachusetts, in ways that benefit not simply those in the Hispanic community, but the broader community of which they are an integral part. America—and Southeastern Massachusetts—benefit enormously from the various cultures which come together to form our nation, simultaneously unifying on important national concerns, and contributing culturally, socially and economically through the preservation of their various heritages within this unified national framework. The Hispanic community is growing in numbers in Southeastern Massachusetts, and is taking its place along other ethnic communities that have contributed so much to our area. I am delighted to extend

recognition to the winners of this year's awards. They are:

Mr. Luis Bayanilla—For his outstanding work and support to the Latino Community of Southeastern Massachusetts.

Ms. Abigail Ramirez—For her outstanding work and support to the Latino Community of Southeastern Massachusetts.

Mr. Angel Urena—For his outstanding work and support to the Latino Community of Southeastern Massachusetts.

Festival Herencia Hispana, Inc.—For their efforts in keeping the Latino Culture alive in Southeastern Massachusetts.

Ms. Aracelys Rodriguez—For her efforts and support to the Latino Community and her dedicated work as an education professional.

Ms. Norma Collazo Porcha—For her efforts and support to the Latino Community and her dedicated work as an education professional.

Mr. Adrian C. Pina—For his dedicated work as a role model and achievement as a College Student.

Kids Against Drugs—For their efforts in providing education to the New Bedford Community about drugs and their dedication to philanthropic causes.

Dennison Memorial—For their commitment and support to the Latino Community and the Community at large of New Bedford, Massachusetts.

Boys and Girls Club—For their commitment and support to the Latino Community and the community at large of New Bedford, Massachusetts.

Mr. Raymond Patnaude—For his support to the Latino Community of New Bedford, Massachusetts.

Dr. Alvaro Lopez—For his support to the Latino Community and his expertise in the medical field.

Mr. Dennis Halls—For his support and commitment to the Latino Community.

Rev. Hector Correa—For his years of service and commitment to the Latino Community.

Ms. Bernice Diaz—For her support and dedication to the Latino Community of New Bedford.

Mr. Speaker I believe that both the award recipients and the committee that has pulled this event together deserve our thanks for their hard work on behalf of the best of American ideals. And I have chosen to share this with my colleagues because I believe it is such an excellent example of how a community can deal with both the challenge and promise of diversity.

#### IN HONOR OF THE MOSES AND AARON FOUNDATION

#### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. NADLER. Mr. Speaker, I rise today to honor the Moses and Aaron Foundation for its commitment to special children and their families. I recognize with gratitude the Foundation's significant and enduring humanitarian efforts and applaud all those who have given of themselves to fulfill its mission.

The Moses and Aaron Foundation "Special Fund for Children" is dedicated to assisting children with disabilities and their families with a wide range of programs including social,

physical, financial and wheelchair assistance, as well as counseling and guidance.

It also provides scholarship funding to educational institutions, collects, purchases, and distributes clothing for children in need, and remembers them with presents at holiday time or when they are hospitalized. This past year, the Foundation provided hundred of toys to the children of New York City's Police and Fire Department's fallen heroes.

In cooperation with Bally Fitness Centers and under the direction of its President Rabbi Yaacov Kaploun, and Executive Vice President Yehuda Kaploun, the Foundation has been able to establish 22 physical fitness and therapy centers and has arranged for sound and musical equipment in other institutions.

In conjunction with Downtown Film Productions, The Moses and Aaron Foundation produced "Chazak—A Testament of Strength", an award winning documentary highlighting the effect of music on special children. This monumental documentary serves as a vehicle to sensitize and educate the entire community on the needs of its special and outstanding citizens.

On Saturday night, July 20, 2002 at the Monticello Raceway in Monticello, New York, the Moses and Aaron Foundation under the Honorary Chairmanship of Nobel Laureate Eli Weisel, will sponsor its sixth Summer "Chazak—Strength" Concert paying tribute to special children. The guests of honor will be the special children, some of whom will perform with the entertainers on stage. A tribute will also be held in memory of the fallen heroes of the September 11th attack on the World Trade Center.

The corporate and individual sponsors of the Moses and Aaron Foundation include Mr. David Buntzman, Mr. Jonathan Fleisig, Mr. Robert Gans, Mrs. Richard Gans, Mr. Avi and Dr. Laura Greenbaum, Mr. and Mrs. David Hirsch, Mr. and Mrs. Ira Rennert, Mr. Charles Rosenay, Dr. Steven Stowe, and Mr. Eli Rothman. I recognize the late Phyllis Cohen for her support of the Foundation, contributing to the improvement in the quality of life of special children.

I also recognize the support given to the Moses and Aaron Foundation by Steve and Shirley Slesinger, who have brought happiness and smiles to the faces of millions of America's youth by bringing Winnie the Pooh and other characters to the screen and printed world, with particular credit to Shirley Slesinger Lasswell for creating and cultivating one of the best loved bear in history.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht and Aaron Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I urge my colleagues to join me in honoring the Moses and Aaron Foundation. Their work has truly made a difference in the lives of thousands.



PARTNERSHIP BETWEEN CALIFORNIA AND MATSUYAMA, JAPAN

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2002

Mr. MATSUI. Mr. Speaker, for over twenty years the City of Sacramento, California and Matsuyama, Japan have shared a special relationship as sister cities. This partnership has given birth to cultural exchanges that have enriched the lives of the residents in both cities. A new art exhibition that will be unveiled on July 6, 2002, is a testimony to this ongoing relationship.

The Miura Museum of Art in Matsuyama will unveil the "Serene Beauty: Lucie Rie Retrospective" exhibit to commemorate the 100th anniversary of the artist's birth. The exhibit features the work of Lucie Rie, one of the most outstanding potters of the 20th-century and a major influence on the world of ceramic art. The exhibit of Lucie Rie's exceptional ceramic work at the Miura Museum of Art in Matsuyama is only the second showing of her work in Japan.

This exhibit would have not been possible without the partnership with Sacramento residents who loaned the museum a large portion of the exhibit that will be displayed. Additionally, the museum has invited residents of Sacramento to participate in the exhibit opening and panel discussion honoring Lucie Rie and her passion for creating ceramic art.

I would like to commend each of participants who have loaned pieces from their collection in order to share their appreciation of art with the residents of Japan. The sister city partnership has developed into a friendship which complements the diverse background of the residents of Sacramento and Matsuyama and I look forward to the continued exchange of cultural treasures between our two cities.

HONORING RUFINA A. HERNANDEZ, ESQ.

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2002

Ms. DeGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this outstanding community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Rufina A. Hernandez, Esq.

Ms. Hernandez has amassed a distinguished record of leadership and service to our community. She received her Bachelor of Arts Degree in Political Science from the University of New Mexico and her Juris Doctorate from the Georgetown University Law Center. Ms. Hernandez practiced law for eight years at the Legal Aid Society of Denver specializing in Family Law, Public Utility Regulation and Consumer Protection. She served as the Executive Director of the State Bar of New Mexico and was previously the Assistant Dean for

Student Affairs at the University of Denver College of Law.

Presently, Ms. Hernandez is the Executive Director of the Latin American Research and Service Agency (LARASA), a preeminent community based non-profit organization dedicated to improving the health, education and self sufficiency of Colorado's Latino community. Under her leadership, LARASA has made a tremendous impact on our city and state by increasing awareness about issues affecting the Latino community and developing effective public policies and programs to address those issues. Ms. Hernandez has been a powerful advocate for change. Through her leadership, LARASA continues to bring tangible benefits to our community through the Center for Community and Behavioral Health, Centro de la Familia—the Latino Public Policy Center, the Data Resource Center and through the Proyecto Educar and Amigos de la Comunidad programs that increase cultural competency and Latino involvement in our schools.

Ms. Hernandez serves on the National Center for Law and Education Board of Directors, the Women's Lobby Board, the Colorado Association of Non Profit Organizations, the Child Health Advocates Board of Directors and the Governor's Utility Consumer Advisory Board. She co-chairs the Latino Jewish Coalition and the Latino Campaign for Education and also serves on the Mayor's Latino Advisory Council.

It comes as no surprise that Ms. Hernandez' commitment and service has earned her several awards including the American Jewish Committee Professional Award, the National Council of LARASA Special Advocacy Award, the American Jurisprudence Award for Academic Achievement, and the University of Denver Outstanding Staff Award.

While we are saddened that Ms. Hernandez will be leaving our community for a position with the National Education Association, I am confident that her leadership, skill and experience will be of great benefit to the cause of public education in our country.

Please join me in commending Rufina Hernandez, Esq. It is the strong leadership she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

CELEBRATING THE 50TH WEDDING ANNIVERSARY OF TONY AND MURIEL MANSOUR

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2002

Mr. KILDEE. Mr. Speaker, I rise today to honor two dear friends, Tony and Muriel Mansour, who will join with family and friends this Saturday, June 29th to celebrate their fifty years of marriage. My wife, Gayle, and I want to add our congratulations to Tony and Muriel on the occasion of their 50th wedding anniversary.

I have known the Mansour family since I was growing up on the east side of Flint, Michigan. The Mansour's lived one street over from the Kildee's, and the Mansour and Kildee children played together.

Mr. Speaker, both Tony and Muriel have been active members of our community in the

City of Flint and Genesee County for many years. Tony was a distinguished attorney for many years before being elected Genesee County Circuit Judge in 1968. He served with great distinction until he retired from the bench. In addition to resuming his successful law practice, Tony has been active in the Flint Rotary Club, being elected Club President in 1996. Tony is a past President of the Men's Club at Flint Holy Rosary Catholic Church and of the Knights of Columbus in Davison, Michigan. Tony has also been a leader in Flint's large and diverse Arab-American community, helping to found the Arab-American Heritage Council.

Muriel has been active in her own right. She has served as president of Heartbeat of Flint, as well as president of the Flint chapter of the American Business Women's Association. Muriel has also served on numerous community organization boards including the Children's Museum of Flint, the Catholic Social Services, the Genesee County Bar Auxiliary, the Flint Osteopathic Hospital Auxiliary, and Allegro (the volunteers for the Flint Institute of Music). For the past eight years, Muriel has worked as a volunteer at the Genesee-Lapeer Chapter of the Red Cross.

Mr. Speaker, the City of Flint and Genesee County is a much better place in which to live due to the efforts of Tony and Muriel Mansour. Gayle and I value them as dear friends and wish them well on the occasion of their golden wedding anniversary.

A TRIBUTE TO ROBERT WUSSLER FOR 19 YEARS OF SERVICE WITH THE RED CROSS

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 26, 2002

Mr. LEWIS of California. Mr. Speaker, I would like today to commend Robert Wussler for his 19 years of public service with the San Bernardino County Chapter of the American Red Cross. Under his leadership, the Red Cross chapter has quadrupled its budget and modernized its efforts to better serve the citizens of the Inland Empire.

Mr. Wussler began his tenure in 1983 as the accountant for the chapter in San Bernardino County, which is the main population center of my home district. After serving in that capacity for seven years, he became the chief executive officer of the newly created Inland Empire Chapter in 1990.

Since that time, the chapter has grown its budget from \$300,000 to more than \$1.2 million, and increased its staff from seven to 15 professional employees. At the same time, he has reduced the chapter's dependency on United Way funding from 83 percent in the 1980s to 5 percent today. The chapter is now computerized, centralized and very well organized, thanks to Mr. Wussler's efforts. It recently received a \$1 million gift from a special donor.

The improvement of the San Bernardino Chapter under Mr. Wussler's direction was recognized by the American Red Cross headquarters. Two decades ago, the chapter was considered near the bottom among chapters across the country. It is now ranked among the 100 best of 1,125 nationally. Mr. Wussler



himself received the 1997 Golden Bear Award for Management from the State of California, and the National Tiffany Award, the highest granted to Red Cross paid staff.

Mr. Wussler and the chapter's board of directors in 1994 created the National Nurse Assistant Training program, which is gratefully supported by local hospitals and trains and certifies 200 students a year as nursing assistants. The chapter has also implemented a home health care training program and an acute care program to help nurse assistants further their career.

Most important to the citizens of San Bernardino County, the Red Cross has been a lifeline for thousands of people who have lost their homes or seen their lives thrown into turmoil by disasters like the Big Bear and Landers Earthquakes of 1993 and the terrible floods that wiped out communities from Forest Glen to Mentone in 1999. The chapter has also helped in countless small disasters that have thrown individual families from their homes, and helped in planning for the disasters we will face in the future.

Mr. Speaker, after 19 years with the San Bernardino Chapter, Robert Wussler has decided to retire. I ask you and my colleagues to please join me in thanking him for a career dedicated to public service and aiding the afflicted, and wish him well in his future endeavors.

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MEETING WITH CROWN PRINCE  
ABDULLAH

**HON. ROBERT WEXLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. WEXLER. Mr. Speaker, this week I will travel to the Kingdom of Saudi Arabia to meet with Crown Prince Abdullah and other Saudi officials for the third time since the horrific terrorist attacks of September 11. As a result of my previous visits, I have become convinced that it is in the best interest of the United States to remain actively engaged in a constructive dialogue and working partnership with Saudi officials and their leader Crown Prince Abdullah.

My initial reaction to traveling thousands of miles to the Saudi Kingdom, in early October 2001, where 15 out of 19 hijackers as well as Osama bin Laden hailed from, was negative. I saw little value in traveling to a region where even in the wake of over 3,000 American deaths, there remained an undeniable hatred of America, continued financial support for fervent extremism, and ties to terrorist organizations that threaten our nation's interest and security. However, I have changed my initial reluctance to engage Saudi Arabia, though not my objection to many of its policies, because Saudi Arabia lies not only at the heart of the problem facing the United States in the Middle East and the Islamic world, but they are also our best hope for resolving these same problems.

My meetings with Crown Prince Abdullah in Riyadh and Jeddah have been candid and frank discussions regarding many aspects of U.S.-Saudi bilateral relations. No subject has been taboo. The Crown Prince and I both voiced criticism of each others country's policies, but we also reiterated the longstanding

friendship and alliance between America and Saudi Arabia and our many common interests and goals.

The Crown Prince impresses me as a man with a vision of peace and coexistence between Israelis and Arabs; moreover, he is willing to risk his personal prestige for a quest for peace. The Crown Prince is a practical and logical man. He is tested and knows the value of leadership. I am convinced that the Crown Prince senses an historic opportunity to build confidence and seek peace from the extraordinary tragedies of the last 20 months and appreciates this opportunity to lead the Arab world away from extreme radicalism and toward normalizing relations with Israel.

My optimism is checked, however, by a recurrent fundamental failure by Saudi Arabia to appreciate the history of the Israeli-Palestinian conflict from an Israeli perspective and to recognize the sense of vulnerability of the Israeli people. In fact, the Crown Prince often suggests that American policy in the Middle East is unbalanced and too favorable to Israel. Ironically, it is the Saudi policy toward Israel that too often lacks objectivity.

Since September 11, there has been much criticism of the Saudi government in our country and internationally. Much of the criticism is justified, and I have joined my colleagues in Congress in voicing my concerns and objections when I deemed it necessary and in the best interest of the nation. I have been a vocal critic of harmful policies carried out by the Saudi government or Saudi nationals, including their lack of democracy, freedom of the press and abominable treatment of women. I have also strongly condemned Saudi connections to the financing and support of international terrorist organizations, unwillingness to unequivocally condemn suicide bombings perpetrated by Palestinian terrorists, financial payoffs to the families of Palestinian suicide bombers, and their financial backing of extremist schools in Pakistan and around the world that preach intolerance and hate. Like many Americans, I am also angered and disturbed by the virulent anti-American and anti-Semitic rhetoric that is published in the government-run press and echoed repeatedly by Saudis throughout the kingdom. The Saudi government cannot have it both ways; if they are truly committed to peaceful coexistence with Israel, they cannot feed the fires of those who hate and are bent on the destruction of the peace process and the State of Israel itself.

Faced with growing American and international criticism, Crown Prince Abdullah has reevaluated the effect of Saudi policies and is seeking to make fundamental changes in the Saudi Kingdom. Since assuming leadership in 1995, Crown Prince Abdullah has taken initial steps to reform Saudi Arabia's economic and political structure and is making serious attempts to root out corruption. The Crown Prince is also the leading advocate for Saudi Arabia's obtaining membership in the World Trade Organization, WTO. I strongly support this effort and believe that WTO membership would lead to greater accountability and transparency in the Saudi Kingdom and, more importantly, would connect Saudis to the global economy.

Most important of all, Crown Prince Abdullah brought Saudi Arabia into the international spotlight last February by initiating a proposal that offers Arab normalization of rela-

tions with the State of Israel, if Israel returns to the pre-1967 borders. While the Saudi plan maybe viewed by some as a non-starter, an initial position for negotiations, or even worse a public relations ploy, it should not be altogether ignored or minimized. This initiative is a significant signal that Crown Prince Abdullah will be an active participant in the elusive peace process and may be the most progressive step toward Arab-Israeli reconciliation taken by any Arab leader since Egyptian President Anwar al-Sadat traveled to Jerusalem and King Hussein of Jordan signed a peace treaty with Israel in 1994. Unfortunately, during Camp David II in 2000, too many Arab leaders remained on the sidelines while a comprehensive peace proposal was being circulated. Crown Prince Abdullah seems to recognize the lost opportunity that occurred during Camp David II, and in a promising sign he clearly stated to me his intention to be actively involved in any new effort for a comprehensive peace agreement.

The United States would be ill-advised to disengage from Saudi Arabia or its leader. As the heart and soul of the Muslim world, Saudi Arabia is home to Islam's two holiest places, Mecca and Medina. It is the Muslim world and, in particular, Arab states that the United States must actively engage in dialogue to promote educational reform, greater religious freedom, democracy, freedom of the press and expanded rights for women. We need to press the Saudi government, especially Crown Prince Abdullah who has significant weight in the Arab and Islamic world, to address religious freedom and human rights. At the same time, we must seek the advice and assistance of prominent Saudis to help America strengthen and improve our standing in the Muslim world. It would be short-sighted to ignore the perceptions and beliefs of more than one billion people.

Saudi Arabia is also integral to our policy of containing and eventually removing Saddam Hussein from power. Saudi cooperation with the U.S. and other allies in enforcing Operation Southern Watch over Southern Iraq has been considerable. During my visit to Saudi Arabia this week, I will reiterate that Iraq repeatedly fails to comply with United Nations (UN) resolutions, continues to block unfettered UN weapons inspections, is stockpiling weapons of mass destruction, harbors and supports terrorists, and poses a grave threat to the security of the United States and every nation in the region. It is critical to the United States that Crown Prince Abdullah and Saudi Arabia assist the Bush Administration in building a coalition of support to remove the threat of Saddam Hussein to the region.

My visit to Saudi Arabia is also another opportunity to send a message from the American people to the Saudi government and its citizens that the United States intends on continuing our engagement and partnership with their country; however, I would be remiss if I ignored the continued presence and activity of dangerous extremists in the Saudi Kingdom and the danger they pose to America and our allies. Ultimately, the future of U.S.-Saudi relations hinge on the efforts of Saudi leaders to root out extremist elements within the kingdom and choke off all financial support emanating from the kingdom to terrorist organizations around the world.

As for Saudi Arabia's leading role in the Middle East, it is incumbent on Crown Prince

Abdullah and other Arab leaders to help reform the Palestinian leadership, as outlined by President Bush on June 24, 2002, from one based on corruption, incitement, terror and suicide bombings to one based on democracy, peace and constructive dialogue. This will be the major thrust of my conversations with the Crown Prince this Sunday in Jeddah. It is important to note that Crown Prince Abdullah and other Saudi officials have already played a constructive role in the reform effort by assisting the Palestinians in writing a new constitution. Without concerted international pressure, there will be no genuine reform of the Palestinian leadership and, I fear, no end to suicide bombings. These terrorist acts must end if we are to reach a comprehensive and lasting regional peace based on security, recognition for Israel, and statehood for the Palestinians. Indeed, the legitimate aspirations of the Palestinian people to have a nation of their own will be destroyed unless there is a change of attitude among those in the Arab and Muslim worlds who encourage and provide moral, financial and material support to so-called martyrs who commit these heinous, inhuman and immoral terrorist acts.

As a strong supporter of an unbreakable bond between the United States and Israel, I care deeply about the future security and prosperity of the Jewish homeland. In meetings with Saudi leaders, I will remind them of the unprecedented terrorism the Israeli people have faced over the past 20 months and the tragic toll that suicide bombers have inflicted on innocent Israelis. It is also imperative they understand that like America, Israel has the right to defend herself against these barbaric attacks and that the United States will stand in solidarity with Israel during this difficult time.

Mr. Speaker, if we are to avert another tragedy like September 11 and defeat the scourge of terrorism, America needs allies—we cannot do it alone. I am going to Saudi Arabia because more effective cooperation and understanding between our two countries is fundamental to winning the international war on terrorism, and members of Congress must play more than just a consenting role in that effort.

#### PUBLIC SAFETY TAX CUT ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Public Safety Tax Cut Act. This legislation will achieve two important public policy goals.

First, it will effectively overturn a ruling of the Internal Revenue Service which has declared as taxable income the waiving of fees by local governments who provide service for public safety volunteers.

Many local governments use volunteer firefighters and auxiliary police either in place of, or as a supplement to, their public safety professionals. Often as an incentive to would-be volunteers, the local entities might waive all or a portion of the fees typically charged for city services such as the provision of drinking water, sewerage charges, or debris pick up. Local entities make these decisions for the purpose of encouraging folks to volunteer, and seldom do these benefits come anywhere

near the level of a true compensation for the many hours of training and service required of the volunteers. This, of course, not even to mention the fact that these volunteers could very possibly be called into a situation where they may have to put their lives on the line.

Rather than encouraging this type of volunteerism, which is so crucial, particularly to America's rural communities, the IRS has decided that the provision of the benefits described above amount to taxable income. Not only does this adversely affect the financial position of the volunteer by foisting new taxes about him or her, it has in fact led local entities to stop providing these benefits, thus taking away a key tool they have used to recruit volunteers. That is why the IRS ruling in this instance has a substantial deleterious impact on the spirit of American volunteerism. How far could this go? For example, would consistent application mean that a local Salvation Army volunteer be taxed for the value of a complimentary ticket to that organization's annual county dinner? This is obviously bad policy.

This legislation would rectify this situation by specifically exempting these types of benefits from federal taxation.

Next, this legislation would also provide paid professional police and fire officers with a \$1,000 per year tax credit. These professional public safety officers put their lives on the line each and every day, and I think we all agree that there is no way to properly compensate them for the fabulous services they provide. In America we have a tradition of local law enforcement and public safety provision. So, while it is not the role of our federal government to increase the salaries of these, it certainly is within our authority to increase their take-home pay by reducing the amount of money that we take from their pockets via federal taxation, and that is something this bill specifically does as well.

President George Bush has called on Americans to volunteer their time and energy to enhancing public safety. Shouldn't Congress do its part by reducing taxes that discourage public safety volunteerism? Shouldn't Congress also show its appreciation to police officers and fire fighters by reducing their taxes? I believe the answer to both of these questions is a resounding "Yes" and therefore I am proud to introduce the Public Safety Tax Cut Act. I request that my fellow Members join in support of this key legislation.

#### IN HONOR OF HEROES WHO HAVE FOUGHT FOR OUR COUNTRY

**HON. ALBERT RUSSELL WYNN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. WYNN. Mr. Speaker, as we approach Independence Day, I submit for the RECORD a speech given in my Congressional District on Memorial Day, by James E. Merna of 7503 Dover Lane, Lanham, Maryland, honoring the heroism of veterans from Prince George's County, Maryland, that have fought to protect our freedoms.

#### HONORING FIVE SONS OF PRINCE GEORGE COUNTY, MARYLAND, THAT HAVE FOUGHT TO PROTECT OUR FREEDOMS

(By James E. Merna, Former Maryland State Commandant, Marine Corps League)

Thank you Mayor Harrington, Councilwoman Marion Hoffman, Bill Hickey, other Town of Bladensburg elected and appointed officials, members of American Legion Post 131, leaders of other veterans organizations, and fellow veterans. Thank you for inviting me. I am pleased to be here.

The town and citizens of Bladensburg should take great pride for the many years you have conducted ceremonies such as this. Bladensburg is not only a historic town—a famous port town—it is also a very patriotic town. Thanks also to Colmar Manor American Legion Post 131 for helping to make these events happen.

Memorial Day, as it is now observed, is a special day set aside to remember the service and sacrifice made by Americans who answered their country's call to duty in all wars—those who gave their lives, those who served and returned, those who were injured or disabled as a result of their service those who remain missing in action, and those who serve today in Afghanistan and around the world to defend freedom and to fight terrorism.

In my remarks today, I want to talk about five brave Sons of Prince George's County, who answered their nation's call, and of their courage, devotion to duty, and personal sacrifice. I believe it is a message for all, but especially for our young people. Better role model other than their parents or close relatives, they could not have.

I stress younger people in light of an announcement from the U.S. Department of Education this month that said "More than half of America's high school seniors do not have even the most basic grasp of U.S. history, showing no improvement in a nationwide test since 1994."

The Education Department issued a national history "report card" which measured the performance last year of fourth, eighth and 12th graders in history. Students did not know, for instance, that America's fundamental belief in individual liberty was expressed in the Declaration of Independence, or that the image of UNCLE SAM was used to appeal to patriotism during wartime.

Educators said the results were "truly abysmal," pointing out that the higher the grade and closer a student was to voting age, the lower the understanding of U.S. history.

In grade 12, only 43 percent of students had a basic or proficient knowledge of history. More than a third of fourth graders and nearly 40 percent of eighth graders also did not have a basic understanding of the subject. The Secretary of Education, Rod Paige, stressed that "basic" is the bottom of the achievement ladder. And, he said, they didn't even reach that—"the lowest rung."

In this complex day and age, this is troublesome. History is a key component of our nation's school curriculum, and it is through history that we understand our past and contemplate our future. Especially following the September 11 attacks that targeted U.S. democracy. It is appalling that some of the questions that stumped students involved the most fundamental concepts of America's democracy. Our work is cut out for us—we need more enlightened students—and better trained history teachers.

The first notable Son of Prince George's County that I want to mention, is one of your very own, a life-long resident of Bladensburg. When I think of him, I'm reminded of the many great songs that were popular during World War II. And I'm referring to records, not CD's, tapes, or DVD's.

Among the best in my opinion, were three: (1) There'll be Bluebirds Over, the White Cliffs of Dover," sung by Vera Lynn (2) "Long Ago and Far Away," made famous by Jo Stafford, and (3) "When the Lights Go On Again, All Over the World," sung by Vaughn Monroe.

This individual, I am about to name, and many others of his generation exemplified the very ideals inscribed at the base of this Peace Cross Memorial: endurance, courage, devotion, and valor. Because of their wartime service and sacrifice, they made it possible for the bluebirds once again to fly over the White Cliffs of Dover, for the lights to come on again all over the world, in a global struggle long ago and far away.

Ladies and gentlemen, I ask you to join with me in applause for one of your finest citizens, a World War II Navy veteran of many battles in the Pacific, a venerable gentleman who will celebrate his 88th birthday in August, the Chairman-Emeritus of Bladensburg's Promotions Committee—Mr. Bill Hickey.

Let us never forget that we have yet to erect a Memorial on the Mall in Washington for our World War II veterans, and we're losing these veterans at an astounding rate of 1500 a day. Like all of you, I want to see that overdue Memorial built—and soon, as a tribute to the Bill Hickey's and all our World War II veterans. I have a personal interest in this Memorial as well. My oldest brother George was killed in action in World War II. He went down with his ship, LST 577, sunk by a torpedo from a Japanese submarine in the Philippines, on February 11, 1945. He was 19 years old.

Let me mention another truly outstanding Son of Prince George's County—one who epitomized the motto of those long ago great Notre Dame football teams coached by the legendary Knute Rockne. Coach Rockne once said the motto of his teams was: Don't Let Your Buddy Down—a motto which he admitted he borrowed from our Marine Corps on the battlefields of World War I.

Captain Jim Graham grew up in Prince George's County, in Accokeek, finished high school in Brandywine, and graduated from Frostburg State College in 1963. His family later lived in Forestville. He was a career Marine officer serving in Vietnam in 1967. Listen to this stirring account of Captain Graham's heroic actions as described by General Lewis W. Walt, former Assistant Commandant of the Marine Corps: "Captain Jim Graham was a young company commander serving with our 5th Marine Regiment in Vietnam. His company, while in the attack, came under heavy fire from mortars and small arms which immediately inflicted large numbers of casualties in his Second Platoon. Graham, upon seeing this, organized and boldly led a fierce assault through the Second Platoon's position, forcing the enemy to abandon the machine gun position, thereby relieving some of the pressure on the platoon and enabling evacuation of the wounded to a more secure area. During the afternoon and early evening, Graham's small force stood steadfast in its hard-won enclave. He was wounded twice while personally accounting for 15 enemies killed. His battalion commander ordered him to withdraw to friendly lines. Graham reacted by sending all of his men back except one man who could not be moved due to the seriousness of his wounds. He apologized to his battalion commander for not completely carrying out the order to withdraw, but said 'I just can't leave this young Marine, keep the firing coming through Colonel, we are hurting them.' About 20 minutes later, Captain Graham radioed: 'This is my last transmission. I am being assaulted by at least 25 of them. It's been a pleasure soldiering with

you.' Captain Jim Graham was posthumously awarded the Medal of Honor for his heroic deeds that day."

A year later, I had the privilege to attend a ceremony at 8th and I, Marine Barracks, Washington, DC when Captain Graham's widow, Janice, accepted the Nation's highest award, the Congressional Medal of Honor, in her husband's name. It was the first Medal of Honor to be awarded to a Marylander in the Vietnam War.

Another Prince George's great, the late Maryland State Senator Ed Conroy, was a highly decorated army Korean War hero who led the defense of Heartbreak Ridge. He was severely wounded twice, lost an arm and sustained burns over 90 percent of his body. Among his decorations were the Silver Star, and two Purple Hearts. Ed had a miraculous recovery and went on to earn a law degree from Georgetown University. He never forgot his fellow veterans and was known in the Maryland Senate as the champion legislator for all veterans legislation. I had the pleasure to organize a testimonial dinner for Ed when he was elected as National Commander of the Disabled American Veterans. On many occasions when I would introduce him, he would have me say with pride that he was "the closest to a Marine without being a Marine." We miss Ed and his tireless energy. A great patriot. Many of you, I'm sure, know Ed's widow, Mary Conroy. She serves Prince George's County today with much distinction, as a Member of the House of Delegates in Annapolis.

Moving along, I want to mention two other notable Sons of Prince George's County who served their nation with honor in Vietnam: Charles E. "Butch" Joeckel, Jr., and John Clements, both distinguished combat Marines.

Butch Joeckel was raised in Colmar Manor, within walking distance of this monument. He graduated from Bladensburg High School in 1965, joined the Marines in 1966, and went to Vietnam in 1967. He was a 20-year-old squad leader and only in Vietnam three months when his river boat was ambushed during the Tet Offensive in January 1968. While searching out a suspected enemy position ashore, one of his men inadvertently stepped on a land mine, triggering an explosion which blew off both of Butch's legs above the knee. Seven other Marines were wounded by the blast. Despite his severe injuries, Butch maintained exceptional presence of mind and called for a medical evacuation and directed the clearing of a helicopter landing zone.

As is the case with all seriously wounded servicemen and those killed in action, a military officer is usually assigned to make personal contact with the family. The casualty notification officers, as they are called, was in Butch's case, a Marine Lieutenant just back from Vietnam. It was my brother, Jerry Merna. When Jerry got back home that night, in Alexandria, Va., he called to let me know he had just been in Colmar Manor, visiting with Butch's parents. He let me know of the severity of Butch's wounds.

For me, that was the beginning of a 34-year friendship, to this day, with Butch. I soon rounded up a few other former Marines and we visited Butch at the Philadelphia Naval Hospital. In fact, we brought him home once he was discharged, back to his boyhood home—at 3605 40th Place, in Colmar Manor, where his dad, a World War II veteran, still lives. On the way home, we made a detour, to Peter Connell's Restaurant on Annapolis Road, now called The Italian Inn, for "refreshments."

I was with Butch at a ceremony at Headquarters Marine Corps when he was awarded the Silver Star, the nation's third highest

award for bravery in combat. It was presented to him by four-star General Lewis W. Walt, Assistant Commandant of the Marine Corps. Earlier, in the Korean War, General Walt was my Commanding Officer, when he commanded the 5th Marine Regiment, First Marine Division. When pinning the medal on Butch, General Walt said, "This is one of the proudest moments of my military career, for I am more proud of Butch than of any Marine I know." That was quite a compliment coming from someone like General Walt, who during his military career, won two Navy Crosses and the Silver Star in World War II, the Legion of Merit, and the Bronze Star in Korea, and the Distinguished Service Medal as the Commander of Marines in Vietnam.

This was not the first meeting Butch had with General Walt. Back on July 6, 1968, thirty-four years ago, I had the pleasure of organizing a Welcome Home Parade for Butch. The parade commenced right here at this very site, the Peace Cross, and marched all the way down Bladensburg Road to the DC line. My Prince George's County Detachment of the Marine Corps League and the American Legion Post 131 in Colmar Manor, co-chaired the event. We had the county proclaim that day, July 6, 1968, as Butch Joeckel Day. Youth groups, veterans groups, community service organizations, high school marching bands, the Marine Corps Band, and troops from each of the military services marched proudly in Butch's honor that day. The grand marshal of the parade was General Walt, just back from Vietnam himself. Admittedly, and unfortunately, there weren't many parades for returning Vietnam Veterans in those days, but we had one, right here in Prince George's County. It was a huge success, and was nationally televised by ABC-TV.

One last word about Butch. He went on to a very distinguished career. He earned his college degree, then decided he wanted to help his fellow veterans. He took a low-level position in the Washington office of the Disabled American Veterans, and then went on to head up not only the Washington office, but the entire national organization itself, with more than one million members strong. He lives in Annapolis now, is married with two grown children, and is a grandfather. He's currently serving on a presidential disability commission. But he's never forgotten his roots. In an interview with the Capital newspaper in Annapolis not too long ago, he said, "I've been working in veterans affairs since I came back in 1968. It's in my heart. I felt like I had to give back to my community because they were great to me. I got a welcome home parade in my hometown. Not many did."

Finally, a word about John Clements. John was raised in Cheverly, and graduated from DeMatha High School. John was a contemporary of Butch's, and like Butch, joined the Marines right out of high school. He went off to Vietnam where he won three Purple Hearts. He was seriously wounded and spent a long time hospitalized. I visited John at Bethesda Naval Hospital a number of times. The doctors wanted to amputate one of John's legs, but through perseverance and much prayer, he was able to convince them otherwise. John has gotten by since then with the use of a cane. Like Butch, John too wanted to help his fellow veterans, and went on to a successful career with the Veterans Administration designing prosthetic equipment for disabled veterans.

In closing, as we leave here today, let us affirm to remember Memorial Day for what it was intended to be—a day of recognition, honor, and respect, and not just a three-day holiday.

Let us remember our fallen comrades—those who fought and died for freedom, and

the children, spouses and parents they left behind. Let us never forget those who returned, many disabled. If we can remember these worthy veterans on Memorial Day, we ought to honor them on Election Day. Let's do all in our power to put more upcoming Ed Conroy's in City Hall, on the County Council, in our State House, and in the Congress. We have the opportunity to do so with elections coming up in the Fall. They served us so well in war—and they would do as well in preserving the peace.

Our very own heroes—Bill Hickey in World War II, Ed Conroy in Korea, and Captain Jim Graham, Butch Joeckel, and John Clements in Vietnam—they represent the best that America has to offer. They are object lessons themselves. They made history. Hopefully, our young people will be inspired by their example.

If America is to remain great, it may indeed depend on how well we continue to inspire our youth to excel. Our noted Sons of Prince George's County have shown the way.

Thank you—and God Bless America.

#### IN RESPONSE TO THE NINTH CIRCUIT COURT OF APPEALS' RULING ON THE PLEDGE OF ALLEGIANCE

**HON. ADAM H. PUTNAM**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. PUTNAM. Mr. Speaker, I am fortunate to have many veterans residing in my district. When I heard of the appalling actions of the Ninth Circuit Court of Appeals—ruling that the Pledge of Allegiance was unconstitutional—my thoughts turned to them. We are a nation standing strong today because those heroes pledged their allegiance to America with their lives, their tears and their sacred honor. What must our troops in the field today think?

Our Country came into being through a Declaration of Independence that acknowledged that we are endowed by our Creator with the unalienable rights of life, liberty and the pursuit of happiness. This is clearly an acknowledgement in the very founding document of this Nation that we are indeed "one Nation under God."

When I conclude a constituent letter with "God bless America" is my action unconstitutional? Should that be banned, too? I stand with the tradition that allows the President to put his hand on the Bible, pledge to protect and defend the Constitution and conclude his oath with the words of George Washington, "So help me God."

It is sad that at a time when our country is at war and Americans have a renewed sense of patriotism—and what allegiance to America costs—this court is driving a wedge between us with their absurd ruling. It is my fervent hope that a common sense reading of the Constitution will eventually prevail and that liberal judges will end their war on religion in America.

As countless American leaders of all political stripes have said before me, God Bless America.

#### NINTH CIRCUIT COURT OF APPEALS' RULING

**HON. CHARLES W. "CHIP" PICKERING**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. PICKERING. Mr. Speaker, today the latest in a string of absurd court decisions was handed down from a Federal Appeals Court in San Francisco. This court decided that the Pledge of Allegiance was unconstitutional and cannot be recited in schools.

This is an unfortunate assault on America's tradition of recognizing the role of God in our country's life and as a foundation of our liberties.

This most outrageous decision cannot and will not stand. Our forefathers authored the 1st Amendment to protect Americans from a "national church or national doctrine" not from the Pledge of Allegiance. For far too often the most liberal Members of our courts have abused the 1st Amendment to remove any acknowledgment of God or a higher being from the Federal Government and our daily life.

I would simply remind my colleagues that we sit in a chamber that has the words "In God We Trust" engraved on the wall. From the beginning of our Republic a higher being has been acknowledged by this government and the Pledge of Allegiance simply is consistent with that history and tradition.

It is hardly comparable to note that the Pledge of Allegiance is relative to the establishment of a national religion, church or doctrine.

The court in San Francisco is the most overturned appeals court in the Nation. I am confident that this decision will also be overturned, but to ensure that the Pledge of Allegiance continues to be observed I am introducing legislation to amend the Constitution to ensure the Pledge of Allegiance is constitutionally protected speech.

#### A RISING NATION, UNDER GOD THIS FOURTH OF JULY

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. RAHALL. Mr. Speaker, listen again to the words we will hear this Fourth of July: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Given the recent Federal Court ruling about the constitutionality of our pledge of allegiance, will the day come when a Federal Court of these United States will not allow our Declaration of Independence to be read or posted on the walls of our schoolrooms across this land? I pray not.

We must always be mindful that the moral fiber of this Nation was built not upon the law of man, but rather upon the law of God.

"The longer I live, the more convincing proofs I see of this truth," said Benjamin Franklin, "that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice—is it probable that an empire can rise without his aid?"

Throughout our Nation's history we have faced many challenges, fought many battles. But from troubled times, we've gained greater victories. To the American, trouble but fuels our soul. Ignites our spirit. Trouble forges our future's strength. September 11th's legacy will be no different.

This Fourth of July, let us pause to give thanks to the almighty—to remember, reclaim, and rejoice in our national spirit born of revolution, our national quest.

In President Jefferson's first inaugural address, he called us "A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry . . . advancing rapidly to destinies beyond the reach of mortal eye."

Mountaineers are always free. We live Jefferson's words. The spirits of Flood ravaged West Virginians fan the flames of future's hope.

"The God who gave us reason," Jefferson said, "did not ask us to forego its use." And truly America has taken his words to heart. We pursue life, liberty and happiness in this great Nation with great passion.

And so it should be.

Next January, our Nation will celebrate the 200th Anniversary of Jefferson's legacy, the Lewis and Clark Expedition, a national quest that has inspired us ever since. Freedom paves the path of our national quest.

As we face new economic realities in West Virginia, we seek not only new industries, but also new economies. From new infrastructure to new technologies, we are working to build a new and brighter West Virginia.

As we face the war on terrorism, we grieve for the terrible toll it has already taken, the lives of West Virginia's precious sons and daughters. Let us remember that their sacrifice was for our quest not to falter or to fail, but rather to set sail and soar.

The rights for which our founding fathers and mothers so valiantly pledged their lives, fortunes and sacred honors—and might I add they did so, and I quote, "with a firm reliance on the protection of divine Providence,"—require the same from us in times of peace—and in times of war.

Jefferson's last letter, which was read on July 4th 1826 in Washington, DC, the day he would pass from this earth—concluded, "For ourselves, let the annual return of this day forever refresh our recollections of these rights and an undiminished devotion to them."

Our national quest shall endure. We remain a rising nation. The Fourth of July is our constant reminder, and the good Lord, our constant strength, despite what any court, judge, or jurisdiction of this government says to the contrary.

#### IN HONOR OF VINCENT J. BILARDO, JR.

**HON. KAREN MCCARTHY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to an outstanding individual and dedicated public servant from the State of Missouri. On July 26th, Vincent J. Bilardo, Jr. will be ending his current assignment from the U.S. Army Corps of Engineers

Kansas City District in which he has served as the Kansas City Brownfields Federal Showcase Program Director. He will leave a lasting legacy of tireless commitment to the betterment and preservation of our community and region.

Prior to joining the Corps in 1992, Mr. Bilardo began his career in public service with the National Aeronautics and Space Administration (NASA) where he spent ten years at four different NASA facilities throughout the nation. His assignments included serving as a systems engineer in the Space Station Program at NASA Headquarters, a Space Shuttle propulsion systems engineer at NASA Kennedy Space Center and Vandenberg Air Force Base in California, and as the manager of a branch of fifteen research scientists charged with developing closed loop environmental control systems for future lunar and Mars exploration missions at Ames Research Center.

Mr. Bilardo began his current position with the Kansas City Brownfields Federal Showcase in 1999 which consists of both the City of Kansas City, Missouri and the Unified Government of Wyandotte County/Kansas City, Kansas. He has been responsible for developing federal and state grant applications, providing technical assistance to a number of important regional initiatives, and managing several Brownfields redevelopment projects. His efforts have earned the program national acclaim as an award winning initiative that has significantly enhanced regional investment, economic growth, and environmental quality in the communities he serves. Under Mr. Bilardo's leadership the Kansas City Brownfields Federal Showcase has partnered with economic and industrial associations to implement an aggressive strategy to rebuild infrastructure, expand operations, and improve facilities in the region.

The crowning achievement of Mr. Bilardo's tenure has been in his diligent guidance and development of the Kansas City Riverfront Heritage Trail, for which he serves as the Bi-State Program Director. The Kansas City Riverfront Heritage Trail is an 18 mile long, bistate system of bicycle and pedestrian trails, pocket parks, restored ecosystems, and trailheads that has successfully leveraged municipal, state, federal, and private funding resources. Upon completion, the Riverfront Heritage Trail will connect critical riverfront activity centers to provide recreation, promote economic investment, wetland habitat restoration, and feature the rich historical and cultural highlights of our metropolitan area's past including Lewis and Clark's Corp of Discovery expedition and their two stops along the southwestern most bend of the Missouri River. Anyone who has been involved with the Riverfront Heritage Trail is cognizant of Mr. Bilardo's immeasurable contribution to this project and of the fact that it would not be the success it is today without his passion and tireless commitment.

Mr. Bilardo will leave a large void to be filled as he returns in August to NASA's Langley Research Center in Hampton, Virginia. He will be fondly remembered by his peers and co-workers as a tireless and dedicated leader. Mr. Bilardo's amazing barbeque skills will be sorely missed by everyone who had the pleasure to work with him. It is with deep gratitude and honor that I recognize Vince Bilardo for his remarkable service to the State of Missouri. His devotion is an example to us all.

Mr. Speaker, please join me in thanking Mr. Bilardo and wishing him and his wife Heidi and their two daughters, Kendall and Rachel continued success and happiness in the adventures that await them.

#### THE EMERGENCY DIRECTED RAIL SERVICE ACT

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. YOUNG of Alaska. Mr. Speaker, today I introduce the Emergency Directed Rail Service Act. This legislation is intended to prepare the nation for the possibility that Amtrak will follow through on its threat to shut down. This bill is part of my effort to make sure the country is as prepared as possible should that shutdown occur.

Members are no doubt aware that Amtrak is in an extremely desperate financial situation. Amtrak contends it needs \$200 million in additional cash or it will cease operations on or about July 1, 2002. Although the Administration is currently considering an Amtrak application to use the Railroad Rehabilitation and Infrastructure Financing (RRIF) loan and loan guarantee program, it is doubtful Amtrak qualifies under the statute, under the formal regulations that govern the program, or under the informal rules imposed by the Department of Transportation and the Office of Management and Budget.

Similarly, although I would support an appropriation under the right conditions to help Amtrak in the short-term while the Congress and the Administration address Amtrak for the long-term, it is unclear whether the appropriations process will be able to provide Amtrak any funds before July 1, 2002.

I am particularly concerned about the effect on freight movements in the Northeast and on commuter operations around the country and consequently on our national economy. An Amtrak shutdown could adversely affect the economy in the Northeast United States because considerable freight would not be able to get to its destination, especially plants where the Northeast Corridor is the only rail access. Moreover, commuters in the Northeast and around the country may not be able to get to work either because the commuter authority operates on Amtrak infrastructure or because the commuter authority uses Amtrak employees to operate or maintain its trains.

Accordingly, on Monday I wrote Linda Morgan, the Chairman of the Surface Transportation Board, and asked whether the Board had the power to direct freight and commuter service that would be adversely affected by an Amtrak shutdown.

Ms. Morgan responded yesterday that the STB was unclear whether it would have the power to direct freight and commuter service in the event of an Amtrak shutdown and that its emergency powers have "never been tested before in this context . . . and . . . could be challenged in court."

This country needs someone to have the power to address the fallout on freight railroads and commuters if Amtrak shuts down. The legislation I introduce today does just that. It makes it clear that the STB has the authority it needs to act in the event Amtrak ceases service.

In particular, the bill would give the STB the authority to order the continued maintenance, signaling, and dispatching of the Northeast Corridor.

It would give the STB the authority to use federal funds to compensate the entity that conducts these services and to indemnify it with respect to any increased liability exposure.

It would also authorize the STB to direct service and to provide interim financial assistance to commuter operations around the country affected by an Amtrak shutdown.

Further, current law requires that to the extent possible the Amtrak employees who already perform the work should do the work required by the directed service.

A final word of caution. I realize this bill addresses provisions of law relating to the STB and that there are interests out there who will want to attach other STB-related amendments to it. I call on them not to do so. This bill addresses a potential national transportation disaster and is limited solely to the STB's emergency directed service powers. In this case, we must put the national interest above all others.

#### INTRODUCTION OF THE ENHANCED PROTECTION OF OUR CULTURAL HERITAGE ACT OF 2002

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. PALLONE. Mr. Speaker, I rise today to introduce the Enhanced Protection of Our Cultural Heritage (EPOCH), Act of 2002.

The legislation that I am introducing today will increase the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, most notably, American Indians. This bill also includes language that will make any attempt to sell Native American human remains a criminal act. The United States Sentencing Commission recently recommended the statutory changes contained in this bill and these changes complement the Commission's strengthening of Federal sentencing guidelines to ensure more stringent penalties for criminals who steal from public and tribal lands. I am pleased that my colleagues, Representatives HAYWORTH and Representative MARK UDALL have joined me in co-sponsoring this important bill.

Looting of cultural remains is not a new problem but it has developed into a professional business. Today, the casual hiker who lifts an arrowhead or a potshard has become less of a problem because of increased awareness about the impact of removing such items. Instead, we are witnessing carefully planned and prepared theft by well-equipped professional looters. Professional looters have devastated individual Indians and tribal communities. These communities can do little but sit by and watch as their culture is erased, site by site as professional looters steal anything that may have value on the black market—including ancestral remains. The lack of severity in the current laws does little to deter these individuals from looting over and over again.

The three statutes that this bill amends currently impose a 5-year maximum sentence,

and each includes a lower maximum for a first offense of the statute and/or a violation of the statute involving property of less than a specified value. This bill would create a 10-year maximum sentence for each statute, while eliminating the lower maximums under ARPA and NAGPRA for first offenses.

Such maximum sentences would be consistent with similar Federal statutes. For example, the 1994 law proscribing museum theft carries a 10-year maximum sentence, as do the general statutes punishing theft and the destruction of government property. Moreover, increasing the maximum sentences will give judges and the Sentencing Commission greater discretion to impose punishments appropriate to the amount of destruction a defendant has done.

Making these changes will enable the Sentencing Commission's recent sentencing guidelines to be fully implemented. The Commission increased sentencing guidelines for cultural heritage crimes, but the statutory maximum penalties contained in current law will prevent judges from issuing sentences in the upper range of the new guidelines. Those new guidelines have the enthusiastic support of the Justice and Interior Departments, the Society

for American Archeology, the National Trust for Historic Preservation, numerous Native American nations, and many others. Congress must take the steps necessary to see that the guidelines take full effect.

The professional looters who pillage the rich cultural heritage of this Nation and its people are committing serious crimes. The artifacts stolen from both tribal and public lands are the legacy of all Americans and should not be robbed and sold for personal gain. Passage of this legislation would demonstrate Congress' commitment to preserving our Nation's history and our cultural heritage. I urge my colleagues to support this much-needed legislation.

I would ask that the text of this legislation be printed in the RECORD.

H.R.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Enhanced Protection of Our Cultural Heritage Act".

**SEC. 2. ENHANCED PENALTIES FOR CULTURAL HERITAGE CRIMES.**

(a) ENHANCED PENALTY FOR ILLEGAL TRAFICKING IN ARCHAEOLOGICAL RESOURCES.—Section 6(d) of the Archaeological Resources

Protection Act of 1979 (16 U.S.C. 470ee(d)) is amended by striking "not more than \$10,000" and all that follows through the end of the subsection, and inserting "not more than \$100,000, imprisoned not more than 10 years, or both.".

(b) ENHANCED PENALTY FOR EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section 1163 of title 18, United States Code, is amended by striking "five years" and inserting "10 years".

(c) ENHANCED PENALTY FOR ILLEGAL TRAFICKING IN NATIVE AMERICAN HUMAN REMAINS AND CULTURAL ITEMS.—Section 1170 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or attempts to sell, purchase, use for profit, or transport for sale or profit," before "human remains"; and

(B) by striking "or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years" and inserting "imprisoned not more than 10 years" and

(2) in subsection (b), by striking "imprisoned not more than one year, or both, and the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years" and inserting "imprisoned not more than 10 years."

# Daily Digest

## HIGHLIGHTS

Senate passed National Defense Authorization bills.

The House passed H.R. 5010, Department of Defense Appropriations.

The House agreed to H. Res. 459, Urging the Ninth Circuit Court of Appeals to Rehear Their Erroneous Ruling That the Pledge of Allegiance is an Unconstitutional Endorsement of Religion.

The House passed H.R. 5011, Military Construction Appropriations.

The House passed S. 2578, Public Debt Limit Increase—clearing the measure for the President.

The House passed H.R. 4954, Medicare Modernization and Prescription Drug Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S6177–S6201*

**Measures Introduced:** Twelve bills and five resolutions were introduced, as follows: S. 2688–2699, S. Res. 293–295, and S. Con. Res. 125–126.

(See next issue.)

#### Measures Reported:

S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters, with an amendment in the nature of a substitute. (S. Rept. No. 107–183)

H.R. 1384, to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System. (S. Rept. No. 107–184)

H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona. (S. Rept. No. 107–185)

S. 2037, to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National In-

stitute of Standards and Technology, with an amendment. (S. Rept. No. 107–186)

S. 2428, to amend the National Sea Grant College Program Act. (S. Rept. No. 107–187)

H.R. 3322, to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah.

H.R. 3958, to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah.

S. Res. 281, designating the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week".

S. Res. 284, expressing support for "National Night Out" and requesting that the President make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration.

S. 1339, to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, with an amendment.

S. 2134, to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states, with an amendment.

S. 2633, to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing,



distributing, or using any controlled substance, and for other purposes. (See next issue.)

#### Measures Passed:

**National Defense Authorization:** By 97 yeas to 2 nays (Vote No. 165), Senate passed S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after taking action on the following amendments proposed thereto:

Pages S6178–80, S6182 (continued next issue).

#### Adopted:

Cleland/McCain Amendment No. 4033, to increase active duty end strengths. Pages S6183–87

Warner Amendment No. 4169, to temporarily authorize higher partial basic allowance for housing for certain members assigned to privatized housing.

Page S6189

Warner Amendment No. 4170, to set aside \$20,000,000 for the disposal of obsolete vessels of the National Defense Reserve Fleet. Pages S6189–90

Reed/Levin Modified Amendment No. 4029, to require a report on the results of each flight test of the Ground-based Midcourse national missile defense system. Pages S6196–99

Wyden/Smith (OR) Amendment No. 4060, to authorize, with an offset, \$4,800,000 for personnel and procurement for the Oregon Army National Guard for purposes of Search and Rescue (SAR) and Medical Evacuation (MEDEVAC) missions in adverse weather conditions. (See next issue.)

Levin (for Miller/Cleland) Modified Amendment No. 4077, to authorize \$1,900,000 for procurement for the Marine Corps for upgrading live fire range target movers and to bring live fire range radio controls into compliance with Federal Communications Commission narrow band requirements. (See next issue.)

#### Withdrawn:

Hutchison Amendment No. 3928, to specify additional selection criteria for the 2005 round of defense base closures and realignments under the Defense Base Closure and Realignment Act of 1990.

Pages S6178–80

Landrieu Amendment No. 3975, to provide for military charters between military installations and local school districts, to provide credit enhancement initiatives to promote military charter school facility acquisition, construction, and renovation.

Pages S6187–89, S6190–94

Hutchinson Amendment No. 3922, to set aside \$3,000,000 for the Clara Barton Center for Domestic Preparedness, Arkansas. (See next issue.)

During consideration of this measure, Senate also took the following action:

By a unanimous vote of 98 yeas (Vote No. 164), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill.

Page S6183

**Department of Defense Authorization:** Senate passed S. 2515, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 2514, National Defense Authorization, as amended. (See next issue.)

**Military Construction Authorization:** Senate passed S. 2516, to authorize appropriations for fiscal year 2003 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 2514, National Defense Authorization, as amended. (See next issue.)

**Department of Energy Defense Activities Authorization:** Senate passed S. 2517, to authorize appropriations for fiscal year 2003 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 2514, National Defense Authorization, as amended. (See next issue.)

Subsequently, a unanimous-consent agreement was reached with respect to further consideration of S. 2515, S. 2516, and S. 2517 (all listed above as passed by the Senate); that if the Senate receives a message from the House of Representatives with regard to any of these measures, the Senate insist on its amendment or disagree to the House amendment, and agree to or request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate. (See next issue.)

**National Defense Authorization:** Senate passed H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2514, Senate companion measure, as amended and passed by the Senate. (See next issue.)

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Levin, Kennedy, Byrd, Lieberman, Cleland, Landrieu, Reed, Akaka, Nelson (FL), Nelson (NE), Carnahan, Dayton, Bingaman, Warner, Thurmond, McCain, Smith, Inhofe,

Santorum, Roberts, Allard, Hutchinson, Sessions, Collins, and Bunning. (See next issue.)

**Adjournment Resolution:** Senate agreed to S. Con. Res. 125, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

(See next issue.)

**Pledge of Allegiance:** By a unanimous vote of 99 yeas (Vote No. 166), Senate passed S. 2690, to reaffirm the reference to one Nation under God in the Pledge of Allegiance.

(See next issue.)

**E-Government Act:** Senate passed S. 803, to enhance the management and promotion of electronic Government services and processes by establishing an Office of Electronic Government within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

(See next issue.)

Reid (for Lieberman/Thompson) Amendment No. 4172, in the nature of a substitute.

(See next issue.)

**National Fraud Against Senior Citizens Awareness Week:** Senate agreed to S. Res. 281, designating the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week".

(See next issue.)

**Korean Immigration:** Committee on the Judiciary was discharged from further consideration of S. Res. 185, recognizing the historical significance of the 100th anniversary of Korean immigration to the United States, and the resolution was then agreed to.

(See next issue.)

**Nominations Confirmed:** Senate confirmed the following nominations:

- 24 Air Force nominations in the rank of general.
- 13 Army nominations in the rank of general.
- 2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps.

Pages S6200–01

**Nominations Received:** Senate received the following nominations:

Linda Ellen Watt, of Florida, to be Ambassador to the Republic of Panama.

- 1 Navy nomination in the rank of admiral.

Page S6200

**Messages From the House:**

(See next issue.)

**Measures Referred:**

(See next issue.)

**Measures Placed on Calendar:**

(See next issue.)

**Executive Communications:**

(See next issue.)

**Executive Reports of Committees:** (See next issue.)

**Additional Cosponsors:** (See next issue.)

**Statements on Introduced Bills/Resolutions:** (See next issue.)

**Additional Statements:** (See next issue.)

**Amendments Submitted:** (See next issue.)

**Notices of Hearings/Meetings:** (See next issue.)

**Authority for Committees to Meet:** (See next issue.)

**Privilege of the Floor:** (See next issue.)

**Record Votes:** Three record votes were taken today. (Total—166) Page S6183, (continued next issue.)

**Adjournment:** Senate met at 9:31 a.m., and adjourned at 5:32 p.m., until 9:30 a.m., on Friday, June 28, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6200).

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

**Committee on Appropriations:** Committee ordered favorably reported the following bills:

An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003; and

An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003.

Also, committee approved subcommittee allocations for fiscal year 2003.

### NOMINATIONS

**Committee on Armed Services:** Committee ordered favorably reported the nomination of Gen. Ralph E. Eberhart, USAF, for reappointment to the grade of general and to be Commander in Chief, United States Northern Command/Commander, North American Aerospace Defense Command, and 1,607 routine military nominations in the Army, Navy, Air Force, and Marine Corps.

### SENIOR HOUSING AND HEALTH FACILITY NEEDS

**Committee on Banking, Housing, and Urban Affairs:** Committee concluded oversight hearings to examine the preliminary findings of the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, after receiving testimony from Ellen Feingold, Jewish Community Housing for the Elderly, Brighton, Massachusetts, and John

C. Erickson, Erickson Retirement Community, Baltimore, Maryland, both on behalf of the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century.

### BORDER OPERATIONS

*Committee on Appropriations Subcommittee on Transportation/Committee on Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine:* Subcommittees concluded joint hearings to examine cross border trucking issues, focusing on the implementation of commercial vehicle safety requirements at the U.S.-Mexico border, after receiving testimony from Norman Y. Mineta, Secretary, Kenneth M. Mead, Inspector General, and Joe Clapp, Administrator, Federal Motor Carrier Safety Administration, all of the Department of Transportation.

### BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the following bills:

S. 351, to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, with an amendment in the nature of a substitute;

S. 556, to amend the Clean Air Act to reduce emissions from electric powerplants, with an amendment in the nature of a substitute;

S. 2664, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, with amendments.

H.R. 3322, to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; and

H.R. 3958, to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah.

### HUMAN RIGHTS IN CENTRAL ASIA

*Committee on Foreign Relations:* Subcommittee on Central Asia and the South Caucasus concluded hearings to examine the balancing of military assistance and support for human rights in central Asia for the purpose of ensuring stability, security, and prosperity in the region, after receiving testimony from Lorne W. Craner, Assistant Secretary for Democracy, Human Rights, and Labor Bureau, and B. Lynn Pascoe, Deputy Assistant Secretary for Central Asia, both of the Department of State; J. D. Crouch II, Assistant Secretary of Defense for International Security Policy;

and William H. Courtney, DynCorp, former Ambassador to Kazakhstan and Georgia, and former Senior Advisor to the National Security Council, and Martha Brill Olcott, Carnegie Endowment for International Peace, both of Washington, D.C.

### DEPARTMENT OF HOMELAND SECURITY AND INTELLIGENCE COMMUNITY

*Committee on Governmental Affairs:* Committee concluded hearings to examine the relationship between a future Department of Homeland Security and the current federal, state, and local intelligence communities, after receiving testimony from Senators Graham and Shelby; Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice; George J. Tenet, Director, Central Intelligence Agency; and William H. Webster, former Director of Federal Bureau of Investigation, Department of Justice, and Director of Central Intelligence Agency.

### TITLE IX

*Committee on Health, Education, Labor, and Pensions:* Committee held hearings to examine the implementation and progress of Title IX of the Education Amendments Act of 1972, which prohibits sex discrimination in all aspects of education, receiving testimony from former Senator Birch Bayh; Roderick Paige, Secretary of Education; Nancy Hogshead-Makar, Florida Coastal School of Law, Jacksonville; and Arthur L. Coleman, Nixon Peabody, Washington, D.C.

Hearings recessed subject to call.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 2134, to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states, with an amendment in the nature of a substitute;

S. 2633, to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance;

S. 1339, to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, with an amendment;

S. Res. 281, designating the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week";

S. Res. 284, expressing support for "National Night Out" and requesting that the President make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration; and

The nomination of Lavenski R. Smith, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

## NOMINATIONS

*Committee on the Judiciary:* Committee concluded hearings on the nominations of Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, Terrence F. McVerry, to be

United States District Judge for the Western District of Pennsylvania, and Arthur J. Schwab, to be United States District Judge for the Western District of Pennsylvania, after the nominees testified and answered questions in their own behalf. Mr. Shedd was introduced by Senators Thurmond and Hollings, and Representative Wilson, and Mr. McVerry and Mr. Schwab were introduced by Senators Specter, Santorum, and Representative Hart.

# House of Representatives

## Chamber Action

**Reports Filed:** No Reports were filed today.

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Chaplain Frederick J. Huscher, Riverside County Sheriff's Department of Riverside, California.

**Page H4071**

**Journal:** Agreed to the Speaker's approval of the Journal of Wednesday, June 26 by a recorded vote of 348 yeas to 59 nays with 1 voting "present," Roll No. 267.

**Pages H4071-72**

**Motions to Adjourn:** Rejected the McNulty motion to adjourn by a recorded vote of 70 yeas to 332 noes, Roll No. 268.

**Pages H4072-73**

**Department of Defense Appropriations:** The House passed H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003 by a yeas-and-nays vote of 413 yeas to 18 nays, Roll No. 270.

**Agreed To:**

Spratt amendment that reduces funding for the space based kinetic energy boost program by \$30 million and increases funding for the airborne laser program accordingly;

**(See next issue.)**

Kucinich amendment that withholds 1 percent of funding from certain Department of Defense components until the DOD Inspector General submits an audit of these components pursuant to section 3521(e) of title 31, United States; and

**(See next issue.)**

Collins of Georgia amendment that prohibits the use of any funds to relocate the headquarters of the United States Army, South, from Fort Buchanan, Puerto Rico, to a location in the continental United States.

**(See next issue.)**

**Rejected:**

Tierney amendment that sought to delete funding of \$44.4 million for the space based kinetic energy boost program; and

**Pages H4106-09**

Tierney amendment that sought to delete funding of \$121.8 million for missile silos at Fort Greeley, Alaska (rejected by a recorded vote of 112 yeas to 314 noes, Roll No. 269).

**(See next issue.)**

**Point of Order Sustained Against:**

Kucinich amendment that sought to withhold 1 percent of funding from certain Department of Defense components until the DOD Inspector General expresses an opinion on the audited financial statements of that component;

**Pages H4109-10, (continued next issue.)**

H. Res. 461, the rule that provided for consideration of the bill was agreed to by voice vote.

**Page H4076**

**Suspensions:** The House agreed to suspend the rules and pass the following measures that were debated on June 25:

***Patriotic Contributions of Roofing Professionals Who Replaced, At No Cost, the Pentagon's Slate Roof Destroyed on September 11:*** H. Con. Res. 424, commending the patriotic contributions of the roofing professionals who replaced, at no cost to the Federal Government, the section of the Pentagon's slate roof that was destroyed as a result of the terrorist attacks against the United States that occurred on September 11, 2001 (agreed to by a yeas-and-nays vote of 428 yeas with none voting "nay," Roll No. 271); and

**(See next issue.)**

***Frank Sinatra Post Office, Hoboken, New Jersey:*** H.R. 3034, to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building;" (agreed to by a yeas-and-nays vote of 427 yeas with none voting "nay," Roll No. 272).

**(See next issue.)**

**Urging the Ninth Circuit Court of Appeals to Rehear Their Erroneous Ruling That the Pledge of Allegiance is an Unconstitutional Endorsement of Religion:** The House agreed to suspend the

rules and agreed to H. Res. 459, expressing the sense of the House of Representatives that Newdow v. U.S. Congress was erroneously decided by a yeand-nay vote of 416 yeas to 3 nays with 11 voting "present," Roll No. 273. (See next issue.)

Earlier, agreed to H. Res. 463, the rule that provided for consideration of the motion to suspend the rules by voice vote. (See next issue.)

**Military Construction Appropriations:** The House passed H.R. 5011, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003 by a yeand-nay vote of 426 yeas to 1 nay, Roll No. 277. (See next issue.)

Agreed To:

Collins of Georgia amendment that prohibits the use of any funds to relocate the headquarters of the United States Army, South, from Fort Buchanan, Puerto Rico, to a location in the continental United States. (See next issue.)

The House agreed to H. Res. 462, the rule that provided for consideration of H.R. 5011 and S. 2578 by a yeand-nay vote of 269 yeas to 160 nays, Roll No. 276. Agreed to the Myrick amendment that made it in order, upon adoption of the rule and without the intervention of any point of order, to consider in the House, S. 2578, to amend title 31 of the United States code to increase the public debt limit, by a recorded vote of 219 yeas to 211 noes, Roll No. 275. Earlier, agreed to order the previous question on the amendment and the rule by a yeand-nay vote of 221 yeas to 210 nays, Roll No. 274. Pursuant to section 2 of the rule, H. Res. 421 was laid on the table. (See next issue.)

**Debt Limit Increase:** The House passed S. 2578, to amend title 31 of the United States Code to increase the public debt limit by a recorded vote of 215 yeas to 214 noes with 1 voting "present", Roll No. 279—clearing the measure for the President. (See next issue.)

Rejected the Moore motion to commit the bill to the Committee on Ways and Means with instructions to report it back forthwith with an amendment in the nature of a substitute that increases the debt limit by \$150 billion by a yeand-nay vote of 207 yeas to 222 nays, Roll No. 278. (See next issue.)

The bill was considered pursuant to the provisions of H. Res. 462, as amended. (See next issue.)

**Medicare Modernization and Prescription Drug Act:** The House passed H.R. 4954, to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program and to modernize and reform payments and the regulatory structure of the Medi-

care Program by a recorded vote of 221 yeas to 208 noes, Roll No. 282. (See next issue.)

Rejected the Gephardt motion to recommit the bill jointly to the Committees on Ways and Means and Energy and Commerce with instructions to report it back promptly with an amendment in the nature of a substitute that establishes the Medicare Prescription Drug Benefit and Discount Act by a recorded vote of 204 yeas to 223 noes, Roll No. 281. (See next issue.)

Pursuant to the rule, in lieu of the amendment recommended by the Committee on Ways and Means, the amendment in the nature of a substitute printed in H. Rept. 107-552 was considered as adopted. (See next issue.)

Agreed to H. Res. 465, the rule that provided for consideration of the bill by a yeand-nay vote of 218 yeas to 213 nays, Roll No. 280. (See next issue.)

**Support of American Eagle Silver Bullion Program:** The House passed S. 2594, to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins—clearing the measure for the President. (See next issue.)

**Fourth of July District Work Period:** The House agreed to S. Con. Res. 125, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives. (See next issue.)

**Meeting Hour—Tuesday, July 9:** Agreed that when the House adjourns on Monday, July 8, it adjourn to meet at 10:30 a.m. on Tuesday, July 9, for morning-hour debate. (See next issue.)

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, July 10, 2002. (See next issue.)

**Resignations—Appointments:** Agreed that notwithstanding any adjournment of the House until Monday, July 8, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and make appointments authorized by law or by the House. (See next issue.)

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Gilchrest or, if not available to perform this duty, Representative Tom Davis of Virginia to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 8. (See next issue.)

**Senate Messages:** Messages received from the Senate will appear in the next issue.

**Referrals:** S. 1041 was referred to the Committees on Energy and Commerce and Education and the Workforce. S. 1646 was referred to the Committee

on Transportation and Infrastructure. S. 2690 was referred to the Committee on the Judiciary. S. 1754 and S. Con. Res. 125 were held at the desk.

(See next issue.)

**Quorum Calls—Votes:** Ten yea-and-nay votes and seven recorded votes developed during the proceedings of the House today and appear on pages H4071–72, H4072–73, (continued next issue). There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and at 2:38 a.m. on Friday, June 28, pursuant to the provisions of S. Con. Res. 125, the House stands adjourned until 2 p.m. on Monday, July 8, 2002.

## Committee Meetings

### NATIONAL FORESTS—ROADLESS AREAS

*Committee on Agriculture:* Subcommittee on Department Operations, Oversight, Nutrition and Forestry held a hearing on Roadless areas in our National Forests. Testimony was heard from Mark E. Rey, Under Secretary, Natural Resources and the Environment, USDA; and public witnesses.

### PROPOSED MILLENNIUM CHALLENGE

*Committee on Appropriations:* Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on the President's proposed Millennium Challenge. Testimony was heard from public witnesses.

### LEGISLATIVE APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Legislative approved for full Committee action the Legislative appropriations for fiscal year 2003.

### MISSILE DEFENSE

*Committee on Armed Services:* Subcommittee on Military Procurement and the Subcommittee on Military Research and Development held a joint hearing on missile defense. Testimony was heard from the following officials of the Department of Defense: Paul Wolfowitz, Deputy Secretary; Lt. Gen. Ronald T. Kadish, USAF, Director, Missile Defense Agency; and Thomas P. Christie, Director, Operational Test and Evaluation.

### UNION REPORTING AND DISCLOSURE

*Committee on Education and the Workforce:* Subcommittee on Employer-Employee Relations held a hearing on Union Reporting and Disclosure: Legislative Reform Proposals. Testimony was heard from public witnesses.

### CONSUMER RENTAL AGREEMENT ACT; WORLDCOM SUBPOENAS

*Committee on Financial Services:* Ordered reported, as amended, H.R. 1701, Consumer Rental Agreement Act.

In regard to the alleged fraud in WorldCom Inc., financial statements, the Committee adopted a motion to subpoena the following WorldCom executives: Bernard J. Ebbers, former President and CEO; John W. Sidgmore, current President and CEO of WorldCom; and Scott Sullivan, former CFO of WorldCom; and Jack Grubman, a telecommunications analyst at Salomon Smith Barney.

### AFRICA—PROMOTING ECONOMIC DEVELOPMENT

*Committee on International Relations:* Held a hearing on Promoting Economic Development in Africa Through Accountability and Good Governance. Testimony was heard from Paul H. O'Neill, Secretary of the Treasury.

### OVERSIGHT—UNPUBLISHED JUDICIAL OPINIONS

*Committee on the Judiciary:* Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on "Unpublished Judicial Opinions." Testimony was heard from Ales Kozinski, Judge, U.S. Court of Appeals, Ninth Circuit; Samuel A. Alito, Jr., Judge, U.S. Court of Appeals, Third Circuit and Chair, Advisory Committee on the Federal Rules of Appellate Procedure; and public witnesses.

### HOMELAND SECURITY ACT—ROLE OF IMMIGRATION

*Committee on the Judiciary:* Subcommittee on Immigration, Border Security, and Claims held an oversight hearing on "The Role of Immigration in the Department of Homeland Security pursuant to H.R. 5005, Homeland Security Act of 2002." Testimony was heard from Grant S. Green, Under Secretary, Management and Resources, Department of State; and public witnesses.

### MISCELLANEOUS MEASURE; OVERSIGHT— CORAL REEF CONSERVATION ACT

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Ocean's approved for full Committee action H. Con. Res. 419, requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies.

The Subcommittee also held an oversight hearing on the Coral Reef Conservation Act of 2000, Executive Order 13089, and the oceanic conditions contributing to coral reef decline. Testimony was heard

from Craig Manson, Assistant Secretary, Fish, Wildlife and Parks, Department of the Interior; Timothy R. E. Keeney, Deputy Assistant Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; and public witnesses.

#### LAND CONVEYANCE

*Committee on Resources:* Subcommittee on National Parks, Recreation and Public Lands held a hearing on H.R. 4968, to provide for the exchange of certain lands in the State of Utah. Testimony was heard from Representative Matheson; Tom Fulton, Deputy Assistant Secretary, Land and Minerals, Department of the Interior; and public witnesses.

#### HOMELAND SECURITY ACT

*Committee on Science:* Held a hearing on H.R. 5005, Homeland Security Act. Testimony was heard from John H. Marburger III, Director, Office of Science and Technology Policy; Raymond L. Orbach, Director, Office of Science, Department of Energy; and John S. Tritak, Director, Critical Infrastructure Assurance Office, Bureau of Industry and Security, Department of Commerce.

#### IMPROVING HIGHWAY SAFETY

*Committee on Transportation and Infrastructure:* Subcommittee on Highways and Transit held a hearing on various approaches to Improving Highway Safety. Testimony was heard from the following officials of the Department of Transportation: Jeff Runge, Administrator, National Highway Traffic Safety Administration; and Frederick G. Wright, Jr., Executive Director, Federal Highway Administration; and public witnesses.

#### HOMELAND SECURITY DEPARTMENT

*Permanent Select Committee on Intelligence:* Met in executive session to hold a hearing on Creation of the Department of Homeland Security. Testimony was heard from departmental witnesses.

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#### COMMITTEE MEETINGS FOR FRIDAY, JUNE 28, 2002

*(Committee meetings are open unless otherwise indicated)*

##### Senate

*Committee on Governmental Affairs:* to hold hearings to examine how the proposed Department of Homeland Security should address weapons of mass destruction, and relevant science and technology, research and development, and public health issues, 9:30 a.m., SD-342.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings on S. 2246, to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, 9:30 a.m., SD-430.

##### House

*Committee on Armed Services,* Special Oversight Panel on Terrorism, hearing on Navy and Marine Corps initiatives to improve anti- and counter-terrorism operations, 8:30 a.m., 2212 Rayburn.

*Committee on the Judiciary,* Subcommittee on Commercial and Administrative Law, to mark up H.R. 4561, Federal Agency Protection of Privacy Act, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, hearing on H.R. 5017, to amend the Temporary Emergency Wildlife Suppression Act to facilitate the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires, 11 a.m., 2237 Rayburn.



*Next Meeting of the SENATE*

9:30 a.m., Friday, June 28

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m., Monday, July 8

## Senate Chamber

Program for Friday: Senate will be in a period of morning business.

## House Chamber

Program for Monday: To be announced.

## Extensions of Remarks, as inserted in this issue

## HOUSE

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*(Senate and House proceedings for today will be continued in the next issue of the Record.)*



# Congressional Record

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